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SCHOOL OF GRADUATE STUDIES

COLLEGE OF DEVELOPMENT STUDIES

Institutional Coordination for the Effectiveness of EIA Implementation within the Federal Government of Ethiopia

A THESIS SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES OF ADDIS ABABA UNIVERSITY IN PARTIAL FULFILLMENT OF THE REQUIREMENTS OF THE DEGREE MASTERS OF ART IN COLLEGE OF DEVELOPMENT STUDIES

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This is to certify that the thesis prepared by Girum Agonafir entitled: Institutional Coordination for the Effectiveness of EIA implementation with in the Federal Government of Ethiopia, and submitted in partial fulfillment of Degree of Master of Art (Environment and Development) complies with the regulations of the University and meets the standards with respect to originality and quality.

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ACRONYMS

EIA: Environmental impact assessment

BPR: business process reengineering

EIS: environmental information system

EIAR: Environmental impact assessment review

UN: United Nations

UNEP: United Nations environment program

FEPA: Federal environment protection authority

FDRE: Federal Democratic Republic of Ethiopia

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Abstract

The title of the research is institutional coordination for the effectiveness of EIA implementation with in the federal government of Ethiopia

The main objective of this research is to evaluate the existing coordination process between sectoral institutions and FEPA for effective EIA implementation. To achieve this objective data was collected from primary and secondary sources through questionnaires, interview guidelines and document review. The collected data was analyzed by cross checking the accounts of respondents against other respondents and with the documents. Generally interpretation method is used to analyze the data.

the effectiveness of the coordination process have been evaluated by using parameters like the institutions set up and capacity, the level of communication, the commitment level and the power structure of the participating institutions. The finding suggest that the existing coordination process between the participating institutions is not effective oppose to the law and the ambition of the government.

In order to rectify the flaws the research suggested that the participating institutions need to rectify or improve the capacity, communication, commitment and power structure of the participating institutions in order to effectively integrate EIA in the institutions decision making process. This will help to improve the coordination process and as a result to achieve the sustainable development objective of the country.

Chapter one: Introduction

1.1 Background of the study

The global community, conscious of the deteriorating ecosystem and its consequences, has been trying hard to arrest further deterioration of the environment. The hitherto convened three mega Conferences, *namely*, the UN Conference on the Human Environment (UNCHE, 1972), the UN Conference on Environment and Development (UNCED, 1992), and the World Summit on Sustainable Development (WSSD, 2002), have, *inter alia*, evolved a couple of global prescriptive and normative environmental policies and principles. They are the precautionary principle (including the environmental impact assessment), the polluter-pays principle, sustainable development, and common but differentiated responsibility. These principles have influenced environmental policies and laws of different countries, including Ethiopia (*Khusha, 2006).*

Taking the international environmental documents in to account, sustainable development is the major objective of Ethiopia; in order to achieve this objective the issue of environmental protection is given a priority place in the countries different legal documents. As a result, environmental protection is provided under the constitution, the environmental policy, the environmental proclamations and guidelines of the country.

The documents state the necessity of integrating EIA in the countries development decision making process. More specifically, Art 43(1) of the Constitution guarantees the people of Ethiopia '*the right to sustainable development*' and '*the right to improved living standards*'. The right to sustainable development as globally perceived refers to the

development that meets the needs of the present generation without compromising the environmental needs of its future generations. Similarly, Art 43(4) restates the underlying idea of sustainable development i.e. development through rational and prudent use of the environmental resources.

To provide more emphasis for the implementation of the concept of sustainable development Art 44 of the constitution states that the citizens of the country have a right to live in a clean environment. To make sure that the intention of this provision is apprehended Art 92 of the constitution obliges government bodies to be responsible for making sure that the environmental matters are integrated in the countries development decision making process (FDRE constitution, 1995).

Similarly, the federal democratic republic of Ethiopia has established FEPA by proclamation No.295/2002 to oversee the environmental matters of the country. The same proclamation obliged sectoral institutions to establish environmental units to facilitate the coordination process and to oversee the integration of EIA in their respective institutions decision making process (proclamation No.295/ 2002).

However, according to the report from MELCA Mahiber FEPA lacks the power to effectively regulate the activities of the participating institutions; because the authority is found at a subordinate level compared to most regulated institutions in the government ladder of power structure. Therefore, if some government institutions are not willing to obey the EIA law the authority lacks the power and the means to effect compliance (MELCA Mahiber, 2008).

Similarly, According to Desalegn even if the government is committed to integrate the issue of environment and development and designed a way for public institution to coordinate; public institutions are poorly coordinated for EIA administration. To this effect out of the existing public agencies only small portion of public agencies at the horizontal level have taken measures that enable them to mainstream environmental requirements in to their activity (Desalegn, 2008).

Therefore, the objective of this research is to evaluate the existing institutions set up and capacity, the level of communication, power structure and their motivation for the effectiveness of the coordination process. The result helped to propose a possible solution to improve the existing coordination process for effective EIA implementation.

1.2 Statement of the problem

Ethiopia following other developed and developing nations identified Environmental Impact Assessment (EIA) as a tool for mainstreaming environmental concerns into development. To mainstream EIA in the decision making process besides FEPA sectoral institutions are required to establish environmental units (proclamation No.295/ 2002). To this effect, the participating institutions are obliged to work together for effective EIA administration with in the country.

However, based on the report by MELCA Mahiber even if there are laws which make the participating institutions responsible for environmental protection and most importantly to coordinate with each other for the same cause, FEPA lacks the power to effectively regulate the activities of the participating institutions; because the authority is found at a subordinate level compared to most regulated institutions in the government

ladder of power structure. Therefore, if some government institutions are not willing to obey the EIA law the authority lacks the power and the means to effect compliance (MELCA Mahiber, 2008)

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When evaluating the concerns of the reviewed research works they failed to comprehensively analyze the institutions coordination process in terms of the institutions capacity, power structure, communication and motivation for the effectiveness of the coordination process and the integration of EIA in their decision making process.

Therefore, doing this research is significant to find out the nature of the existing institutions arrangement (FEPA and sectoral environmental units) their capacity, communication, commitment and power structure for the effectiveness of the anticipated coordination process to achieve the sustainable development objective of the country in order to come up with a possible solution to improve the existing institutional linkage for the effective integration of EIA in the decision making process.

1.3 Objectives

The main objective of the research is to evaluate the federal institutions coordination for effective EIA implementation especially with FEPA.

1.3.1 Specific objectives

- ❖ to assess the institutions set up and capacity for EIA administration
- ❖ to evaluate the institutions level of motivation for the coordination process
- ❖ to assess nature of communication between the institutions
- ❖ to study the institutions power structure for check and balance system

1.4 Research question

- ➢ Does the participating institutions relative position with in the government power ladder affect the effectiveness of EIA implementation?
- ➢ Are there adequate institutional arrangement and capacity at the concerned institutions to implement EIA?
- ➢ Is there adequate institutional coordination between the concerned institutions to implement EIA

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1.5 Significance of the study

according to Solomon, in Ethiopia in spite of the measures taken by the government, such as establishing environmental institutions and enacting laws, the established institutions nonetheless suffer from heavy political pressures to remain focused on growth. All the relevant institutions are understaffed and lack the necessary power to fulfill their duties.

The existing laws do not have enforcement mechanisms, are not dynamic, are feeble and are easily circumvented by economically oriented legislations (Solomon, 2006).

Therefore, doing this research is significant to suggest solutions to remove the barriers that hinder the effective coordination of participating institutions in terms of institutional set up, capacity, communication, motivation and power structure for the effective integration of EIA in the decision making process.

1.6 Scope of the research

Out of the existing public agencies only five federal institutions have been purposively selected besides FEPA. The institutions are; the Ministry of Water and Energy, Ministry of Mines, Ministry of Agriculture, the Ethiopian road authority, and the Ethiopian power and Electric Corporation. These institutions are purposefully selected because some of them have managed to establish environmental units and the rest have EIA experts and they have started to work as per the proclamation even if there is no a well established environmental units.

2 Chapter two: Literature review

2.1 EIA

EIA is a process designed to identify and predict the likely impact of a certain development project on the surrounding environment so as to recommend the mitigation measures in order to minimize the adverse impact which could be caused as a result of the implementation of a certain development project. But the application of EIA is not only limited to development projects, rather it is also applicable to policies, plans and strategies. An impact can be any positive or negative change on the physical, chemical, biological as well as socio- economic environment which will be caused as a result of the implementation of a project (UNEP, 2004).

Since the purpose of EIA is all about mitigating the negative impact of a development activity, to achieve its objective it should be carried out before the implementation of a project. To this effect Principle 17 of the Rio Declaration on Environment and Development (1992) refers EIA as a national instrument which "*shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment*" (Anjaneyulu, *2007*).

EIA is a process practiced both by developed and developing countries but the arrangement and the practice differs based on the countries unique culture, tradition and the nature of the government. However, there are common stapes which should be applied by the countries in order to execute EIA (EIA Centre, 1995).

EIA has multiple purposes one of the major purpose of EIA is it provide adequate information for the decision makers about the likely impact of a certain project on the surrounding environment so as to help them make sound and integrated decision. Similarly, With its increased interest for long term development it has significant impact for the sustainable development of a certain country by insuring that development projects do not cause significant impact on the environment (Sadler,1996). EIA also have secondary purposes in terms of coordinating the activities of sectoral institutions by integrating environmental considerations in the decision making process of the respective institutions; similarly it empowers the community to participate in the decision making process in order to bring green development.

2.2 Roles and Responsibilities of Groups Involved in the EIA System

EIA is a process which needs the integrated responsibility of many stakeholders for its effective implementation; some of them are:

2.2.1 EIA Administrative Agency

Countries establish a separate agency which is responsible for the effective implementation of EIA. This agency plays an important role in insuring accountability for EIA administration; as well as for interpreting rules and regulations concerning EIA fairly. There are different models which can be applied by the agency to administer EIA; like "hands off" or "command and control models". "Hands off" model will be appropriate if there is a well organized EIA procedure. But it will only be effective if there are other control mechanisms are in place like effective cross sectoral coordination for EIA implementation. On the other hand "command and control" approach will be effective if there

is active administration for EIA implementation and the technical capacity of the administration should be adequate (UNEP, 2004).

Depending on the models the agency which administers EIA is responsible for the effective implementation of EIA in development projects starting from screening up until the monitoring process. The activities of the agency will include screening a development project to decide whether the project needs to go through the EIA process; to evaluate the TOR of the EIA report and approve the same and the agency also manages the review and approval of the EIA report.

In addition to the above responsibilities in order to make the EIA process flow smoothly the administrative agency develops sectoral EIA guidelines and provides the guidelines to the proponents. This helps the proponents to include the necessary requirements in the EIA report then it saves them time and money; at the same time the agency will provide the service needed with out unnecessary delay and inconvenience (Lohani, Evans, Everitt, Ludwig, Carpenter, Liang Tu, 1997).

2.2.2 Project Proponent

Project proponent could be a person or certain institution whether governmental or private which is responsible for the implementation of a development project. The proponent is responsible for providing the necessary information about the project in the entire EIA process and also funds the study of the project. Proponents usually contact experts (consultants) to do the EIA report; after the report is completed the proponent will be called to answer about the project and also the proponent is responsible for implementing the mitigation measure (UNEP, 2004).

2.2.3 Consultants

Consultants are experts who perform EIA on behalf of the project proponent. Since EIA is interdisciplinary process the consultants should be composed of different experts depending on the nature of the proposed project. The experts should have appropriate knowledge about EIA and they should be certified to perform EIA. The certification process will help to make the practitioners accountable for the work they are doing and this will benefit the proponents as well as the government to bring sustainable development. Therefore, they have a great contribution for the technical and scientific aspect of the EIA process (Anjaneyulu, *2007*).

2.2.4 Other Government Agencies

Environment is a multi disciplinary activity and a matter which should be considered in the decision making process of every agency with in a country. It is one of the three components of sustainable development besides social and economic aspects. The concept of sustainable development will be effective if and only if government agencies are obligated to incorporate the recommendation made by the EIA process in their decision making process. Further more, the efficiency of EIA implementation depends up on the effective coordination between the agency responsible for EIA approval and the agencies which are responsible for the implementation of the development project (UNEP, 2004).

2.2.5 The Public

The value of public participation is indispensible for effective EIA implementation; to this effect a provision explicitly stating the need for public participation in the EIA

process should be specified in EIA legal documents. The public includes those who are affected and interested parties to a proposed project. The benefit of public participation is not only limited to the public itself but also for the effectiveness and the sustainability of a project highly depend up on the understanding, approval and participation of the public concerned. To benefit from public participation the proponent needs to publicize the activities of the project in none technical terms; then the public will have the chance to internalize the intention of the project and to comment on the possible impact of the development on the environment by sharing its own indigenous knowledge to influence the decision making process *(Kakonge,1996)* .

2.3 The legal mandate for EIA

The EIA system of one country differs from the other based on the countries distinctive political, social and economic condition. Even if there are EIA frame works applied by international institutions a country can not adopt all the components with out a considerable adaptation. Besides incorporating EIA in countries legal documents, the strength of the legal mandate of the institution which administers EIA shows the governments commitment for efficient EIA system in order to realize the sustainable development objective of the country (Asian Development Bank, 1992).

Most countries have developed a frame work for environmental protection and management. Environmental issues are stated in the policies, laws, regulations and directives of countries to contribute to the environmental protection and management of a country. There are a number of international legal documents concerning environmental matters some are binding and others are not. According to UNEP (2002) there are two major

types of laws concerning EIA; such as general environment and resource laws which incorporate EIA requirements and procedure. These kinds of laws include the constitution of a country and environmental policies. On the other hand, there are also laws which specifically apply to EIA administration; like EIA proclamations, regulations, directives, guidelines and standards.

However, the mere legitimization of EIA in a countries legal documents can not insure the effective implementation of the objectives of EIA; rather the degree to which the objectives of EIA are meet depends up on the institutional structure and the manner in which EIA is integrated in the decision making process(chin lim, 1984).

2.4 What steps should be followed

For the proper application of EIA there are internationally well known steps like screening, scoping, mitigation, main EIA study, environmental impact statement, review and monitoring (UNEP, 2004).

- **Screening**: is a process which can be conducted by the authority responsible for administering EIA or by the proponent by using published EIA check lists. Projects go through screening process to decide whether the project will cause significant impact on the surrounding environment so it requires full EIA, or the impact of the project is not well known then to conduct preliminary assessment, or to decide that the impact of the project is not significant then EIA will not be required. Screening process will save time and money by focusing only on projects which will have significant impact on the environment.

- **Scoping**: after the screening process if the projects need to go through EIA scoping will be the second stage. Scoping lays the boundary of EIA by focusing on impacts which are significant and leaves which are not for the decision making process. When conducting the scoping process there are internationally accepted principles; such as, the involvement of stakeholders, defining the major impacts for further study, identifying the possible alternatives to mitigate the impact of the project and finally preparing TOR depending on which the EIA will be conducted and against which the EIA report will be evaluated or reviewed.

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- **Impact analysis**: it is a stage where by a detailed impact analysis is conducted; the analysis includes identification, prediction and evaluation of the major impacts of the project. The Impacts of a project can be predicted depending on the base line study and evaluated based up on technically selected impact indicators. Impacts of a project should be considered based up on their direct, indirect, cumulative, long term and short term effects on the environment. If possible it is necessary to predict the impacts quantitatively because it makes it easier to compare the alternatives against the baseline and to evaluate and monitor the impact of the project after the project implementation process.

- **Review of EIA quality**: is a process by which the adequacy of the EIA document will be evaluated for the decision making process. It is used to insure that the statement in the EIA report comply with the terms of reference. Different countries use different bodies in order to review the adequacy of the EIA document. *Often EIA reports are reviewed by a review agency or by a special "Standing Committee" or "Commission" established to review projects in a given sector. In most cases, a technical evaluation of the EIA report*

is made by specialists. Depending on the nature of the project the experts who review the EIA document will be determined. This stage will pave the way for the public to participate and comment on the EIS in order to influence the decision making process. The public can participate through the mechanisms which are convenient to gather the views of the public; like public hearing, receiving comment on writing, or by using different media of communication which are appropriate. During the review process projects can be fully accepted, rejected or accepted with a condition.

- **Environmental Management Plan**: going through the process of EIA with out proper implementation will be wastage of human and economic resources. The commitment of the proponent whether public or private for the protection of the environment will be evaluated based on its commitment to implement the EIA requirements. A well organized management plan covers all stages of the EIA process starting from pre construction up to the decommissioning and all major impacts and recommendations made by the EIA process. In order to effectively implement the EIA the management plan should define the necessary staff, equipment, the technical work, the detailed accounting of the budget required, the time needed and details of the technical work required to mitigate the impacts in a measurable terms.

- **Environmental Monitoring:** in order to have effective monitoring program there is a need to have base line information about the environment before the implementation of a project, the actual environmental impact of the project; the compliance of the project with the statutory and regulatory requirements and the information about the degree of the implementation of the mitigation measures is necessary to insure environmental com-

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pliance. The information gathered during the monitoring process will help to insure the implementation of the project according to the recommendation made during the EIA process.

2.5 Institutional coordination

Before embarking in to the concept of institutional coordination, it is worth raising the question what institution is. But there is no a clear cut definition for the term institution because different scholars defined the term from a variety of perspectives. According to North (1990) institutions are "*the rules of the game*" in a society and there are two types of rules of the game which are formal and informal. A formal rule of the game consists of a countries constitution, property-rights, rules, and contracts where as the informal rule of the game is composed of norms and customs which are not written in countries legal documents.

On the other hand Institutional coordination refers to the interaction of public institutions through formal and informal negotiations to work together by mutually creating rules and norms governing their relationship in order not to duplicate or interfere on the activity of one institution by other institutions. It is the collaboration of institutions for a common goal (Guy Peters, 1998). Institutional interaction occurs when the activity of one institution affects the decision making process of other institution.

2.5.1 Why the need for coordination?

Recently it is common to hear the issue of institutional coordination in the public sector; there are a number of reasons for the enthusiasm for the concept. One of the reasons

could be the rise of cross cutting issues in the public administrations; like environmental, women, children and the issue of disadvantaged groups with in the society. Governments tend to mainstream the cross cutting issues to different institutions rather that creating separate institution to work on the issue entirely. This is because the decision of a certain institution might affect the cross cutting issues; therefore government institutions need to integrate the issues in their decision making process (Pierre 1995).

Besides the cross cutting issues the government budget is not abundant; governments need to reduce public expenditure. One way of reducing expenditure is reducing the duplication of activities by different institutions. This in a way will improve the efficiency of public service delivery because public institutions will work together for a common goal (Guy Peters, 1998).

Similarly there is an increasing need on the part of national governments to coordinate their policies because of the increased international pressure. In order to engage smoothly and to build a positive image to external world the concept of coordination now a days is gaining more acceptance. Effective implementation of public policy needs the coordinated efforts of public institutions and above all the internal coherence of national governments will win the nation membership in important international institutions (Savoie 1995a).

Finally the ever increasing need of governments for delivering effective and efficient public service raised the issue of coordination to the top level. Therefore, there are a number of reasons which make governments to look in to the issue of coordination more importantly in order to provide efficient and effective public service with a minimum

amount of cost, with out duplication of government activities and by reducing the interference of one institution on the activity of other institution.

2.5.2 The nature of coordination

The nature of institutional coordination can be evaluated based on different components; such as based on the nature of coordination agreement (formal/informal), the nature of communication(one way or both ways), the flow of resources, the motivation, the magnitude of interaction (weak/strong) and the out come of the interaction (seixas, Berkes,2010). It is worthy to discuss each component to understand the issue of institutional coordination in a better way.

2.5.2.1 Coordination agreement

Coordination agreement is an agreement made by institutions to work together to achieve a common goal. However, in federal form of government institutional coordination even if it is very important, it is not easy since public institutions have independent administrative power. Therefore, coordination between the institutions for a common goal needs the agreement of the concerned institutions. The agreement can be made formally or informally between the institutions. The formal agreement of institutions to work together will be expressed through nation legal documents which are legally binding and enforceable. On the other hand, informal agreements are understandings between institutions but which are not binding (Parker, 2010). The agreement will help the institutions define and set the activities of each negotiating institutions, how to resolve conflict of interest, identify the common objective of the institutions and set the priorities of each institution (Metcalfe, 1994: 277; Mayer, 1992)

2.5.2.2 The nature of communication

Horizontal communication among institutions involves communication between institutions which do not have any hierarchical relationships. This kind of communication benefits the institutions involved in order to share knowledge, skill, best practices, and lessons learned. Institutional activities are becoming more complex and inter related as such needing the collaboration of different institutions to work together for a common objective.

Therefore, in this kind of situation sticking to the traditional way of communication will not be effective; like communications which are bureaucratic, one way and rule oriented. According to Neher (1997) the major functions of institutional communication are "*Compliance-gaining, Leading, motivating, and influencing, Sense-making, Problem-solving and decision-making, Conflict management, negotiating, and bargaining*". In order to effectively achieve the common goal the nature of communication between institutions needs to be dynamic, shared, and two-way between production workers and the authorities who are responsible for the administration. Therefore, communication plays an indispensible part in conveying effective institutional coordination (Baker, 2002).

2.5.2.3 Institutional Commitment

Institutions commitment to a common goal is a backbone for effective institutional coordination (Thomson, 1999). The commitment of institutions concerned to work together for a common goal may be expressed in the respective institutions rules and norms. Where as if the interacting institutions have divergent objective it will be difficult for the

institutions to be committed to wards the common goal i.e. if a certain institutions goal is solely based on improving the development of a country, the institution may think considering environmental issues in the development process as a draw back from achieving the intended development. However, aside from the contradicting objective institutions should aspire to be committed to work together to achieve a common goal and if the contradiction is grave the institutions need to create a mechanism to solve the conflict of interest smoothly (Oberthür, 2008).

2.5.2.4 Institutional capacity

Institutional capacity refers to the ability of the institution to perform its activity and achieve its objectives appropriately and its ability to cop up with challenging situations. Capacity is a combination of human, technical and financial resources, leadership, and institutions (rules of the game) and practices (Orbach, 2000).

In order to bring effective institutional coordination it entails modifying the institutional and organizational structure and procedures to properly facilitate the coordination process. Building the capacity needs adequate staff members with appropriate professional qualification and skill, it needs adequate funding to administer the institution and to motivate the employees by developing incentive system with in the organization; above all the institution must provide appropriate technical resource to undertake the activity of the institution and finally the leadership to efficiently run the organization (World Bank, 2004).

Motivation is also one part of capacity to perform a certain activity. It is defined as "*the ability of people, institutions and societies to perform functions, solve problems and set and achieve objectives*". Motivation can be found at individual and institutional level; Institutional motivation refers to the internal motivation of an organization; this motivation can be evaluated in terms of the allocation of adequate budget to run the administration as well as to provide incentive system for the employees.

2.6 The role of institutions and networks in EIA enforcement

Environmental issues are multi disciplinary in nature which needs the asset of institutions with in a given country to work together for their effective implementation. Since sustainable development is the motto of the day, the tendency of many nations shows a move from sectoral approach for solving environmental matters to a holistic approach that is an integrated and a coordinated approach to decide on the social, economic and environmental issues (Guy Peters, 1998).

The legitimization of environmental protection as a national goal alone can not guarantee the integration of environmental issues in the decision making process. Especially In federal form of government each institution is autonomous and if a certain institutions main goal is not environmental protection a countries shift towards sustainable development goal may not entail the protection of the environment since environmental issues may not be considered in the decision making process of the concerned institutions. On the other hand, the explicit goal setting for environmental protection, giving EIA a legal mandate and internalization of the concept of EIA with in the concerned organs will significantly facilitate the incorporation of EIA in the decision making process.

In order to have coordination among institutions to protect the environment the authorities and responsibilities of each concerned institution should be specified by the government. If the law does not make mandatory the issue of institutional coordination and public participation, the aggregate authority and responsibility to protect the environment will lie with in a single institution. The coordination will benefit the implementation of EIA by facilitating a check and balance system among the concerned institutions and enhances the accountability of each institution through the review process.

Further more, the effectiveness of the institutional coordination to implement EIA depends up on the capacity of the review organ to influence the decision making process of the responsible agency and the willingness of the responsible agency to accept the recommendation provided by the review body to incorporate EIA in the decision making process. The capacity of the review agency/ body to influence the decision making process of the responsible agency depends up on the review agencies relative position in the governmental chain of command. If the review agency is found subordinate to the existing ministries in the country its potential to influence the decision making process of the responsible agency will be minimal. On the other hand, if the review agency is created separately at ministerial level at equal footing as other participating institutions and if it has a direct linkage with the executive branch of the government its capacity will increase substantially to influence the incorporation of environmental issues in the decision making process of other agencies (chin lim, 1984).

Similarly, Agenda 21 focuses on the importance of institutions coordination in order to utilize the available resources wisely by avoiding wastage and duplication of activities.

Coordination creates *"synergy and harmonization of relevant policies and activities to effectively support and build upon existing activities by the partners or constituencies for the common goal."* agenda 21stresses the need to move from a development model in which sectors act independently of each other, to a model in which there is integration across sectors, where decisions take in to account inter sectoral effects, to improve inter sectoral coordination. This involves the integration of policies, plans and programs of interacting sectors and interested groups to balance their long term and short term development needs with the concept of environmental protection. It calls for a coherent policy where priorities can be defined for the promotion of long term economic growth, creating incentives for sustainable utilization of natural resources, disincentives for environmental pollution and degradation, and effective management of the overall environment.

2.7 Theoretical framework

According to Gill Chin Lim (1984) since environment is an area that concerns all sectors, it is now accepted that its management requires the coordination of a multitude of stakeholders. An important theoretical and empirical question about the EIA mandate concerns the relationship between institutional structure for implementation and the performance outcome of EIA. A normative argument for mandating EIA involves a presumption that EIA should lead to more effective environmental protection, if certain technical requirements are met adequately. It is also presumed that an institutionalization of EIA would trigger reform and change in the existing planning and decision making process.

The degree to which the purpose of EIA is achieved also hinges significantly on the institutional structure of EIA and the manner in which the existing planning process responds

to EIA. The nature of the institutional structure of EIA is determined by the variety of participants (institutions Concerned with environment and/ or development); their respective roles; and their interactions. The roles played by the principal participants mold the basis for inter organizational interactions. Formally, the interactions among principal participants in the EIA process are specified by the legal provisions. The role of each participant is delineated by its respective authorities and responsibilities, and the formal interactions among participants are set in the functional or hierarchical relationships based on a certain concept of division of labor.

Therefore, institutions level of empowerment to implement EIA can be derived from formal sources such as (legal or regulatory) or Informal sources. Although, the institutional formulation of EIA could rely on purely functional relationships, the relative positions of principal participants in the ladder of governments' configuration implicit hierarchical relationships. Therefore, institutions capacity to influence other organizations depends not only on its formal authority and functional relationship defined by law, but also on its relative position in the governmental hierarchy.

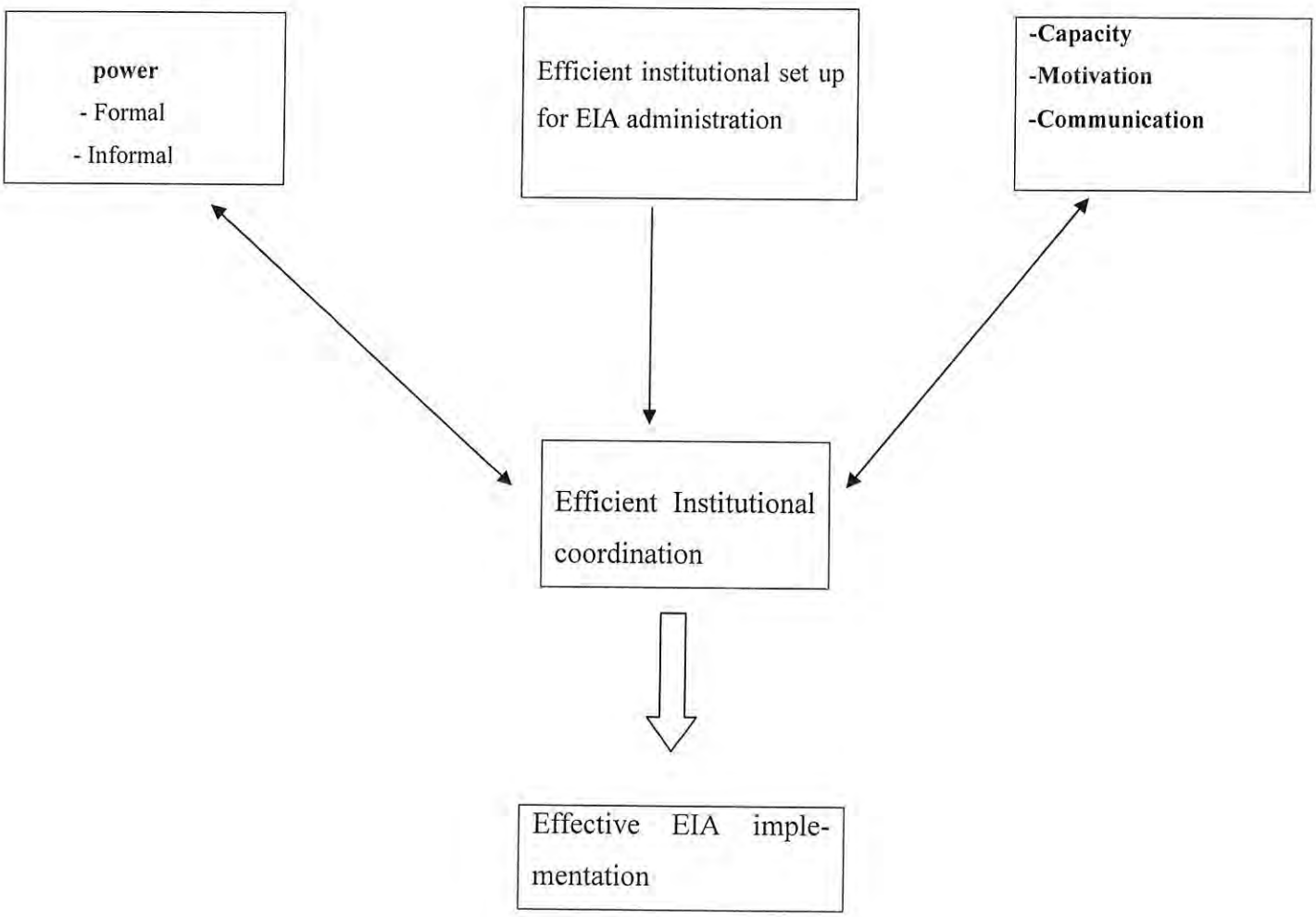
Secondly, the level of performance of EIA system can also be explained by the responsible agencies attitude toward EIA. Responsible agencies need to be sufficiently conscious of the intention of EIA or willing to initiate changes in their planning and decision making process for early and full internalization of EIA.

A third major factor affecting EIA implementation is the degree of clarification about the role definition for various participants. Procedural rules without a clear division of labor among different functional units seem to create considerable role ambiguity and decrease

accountability. Therefore, procedural rules for EIA must define clearly the roles of participants and their interaction.

A central concern of this paper lies in the institutional and procedural aspect of EIA implementation as they influence the performance outcome of EIA. It focuses on the inter organizational context of planning processes and the role of EIA as a measure of national environmental policy.

Figure1.fraim work



3 CHAPTER THREE: Methodology

3.1 Research design

In order to achieve the objective of the research qualitative method is employed.

3.1.1 Sampling procedures

There are 33 institutions that are expected to have environmental unit at federal level; however, only five institutions have environmental units and at the same time they are delegated to review EIA documents. Thus these five institutions were purposively selected for the research in addition to FEPA because of their mandate to administer EIA. These includes: the Ministry of Water and Energy, the Ministry of Mines, Ministry of Agriculture, Ethiopian road authority and Ethiopian Power Corporation.

3.2 Data type and sources

To conduct the research both primary and secondary date types were used. Primary data was collected from primary sources by employing different primary data collection instruments like; in-depth interview guidelines and semi structured questioners where as secondary data was collected from secondary data sources like; published and unpublished books, previous research works, journals, national and international legal instruments, periodicals, etc...

3.3 Study tools and Method of data collection

The study employed two major data collection instruments. These are semi structured questionnaires and in-depth interview guidelines. The questionnaires were developed to be filled by the participating institutions EIA experts and the in-depth interview guide-

lines were developed to conduct in-depth interview with the officials and with heads of the EIA teams of the participating institutions.

3.3.1 Semi-structured questionnaires

Semi structured questionnaires was developed and distributed to elicit the views and opinions from individual experts within the institutions who are responsible for EIA administration. The data drown from these experts was used to develop themes in terms of the institutions set up and Capacity (the number of qualified professionals, their training status, the availability of working guidelines, the availability of materials and the financial capacity of the units to administer EIA and the coordination process).

3.3.2 In-depth interview

In-depth interview was conducted with heads of the EIA teams of the participating institutions and concerned bodies in order to extract the necessary information about the Power, Motivation, Communication and the nature of coordination between the participating institutions.

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3.4 Data analysis

The data was analyzed by using both quantitative and qualitative data analysis technique. (Interpretation) is used to analyze the data obtained form sample respondents by using in-depth interview. Interpretation is made based on the identification of prevailing practices and the law governing that particular practice to come up with consistency between the law and the practice and the existing reality in terms of the participating institutions capacity, motivation, communication and power for the coordination process. To this effect

an attempt was made to overcome potential inaccuracies by cross-checking participants' account with those of other participants and with documentary evidence. On the other hand, the data collected by using semi-structured questionnaire was analyzed by using simple descriptive statistics.

4 Chapter four: Results and analysis

This part of the research is devoted to analyze the collected information from primary and secondary data sources to achieve the objectives of the study in terms of the institutions set up and capacity, the power structure, the communication and their motivation to wards the effectiveness of the coordination process.

4.1 The institution set up and capacity for EIA administration

In order to understand the effectiveness of the coordination process of the researched institutions, the institutions set up and capacity will be evaluated based on their establishment, human, material and financial capacity.

4.1.1 The institutional structure and capacity of the EIA units

Establishment

To operationalize the concepts of the environmental legal documents with regard to institutions establishment the Environmental Protection Authority (EPA) was established as an autonomous public institution of the federal government by proclamation no. 295/ 2002. The proclamation also went further by legalizing the establishment of environmental units with in federal government institutions. Because, the preamble of the proclamation states that "*assigning responsibilities to separate organizations for environmental development and management activities on the one hand, and environmental protection, regulations and monitoring on the other is instrumental for the sustainable use of environmental resource, thereby avoiding possible conflicts of interests and duplication of efforts*". Therefore, as per Art.14 of the proclamation sectoral institutions are obliged to

establish environmental units which are responsible for the coordination of the environmental activities of the organization.

However, the establishment of sectoral environmental units with in the federal government is not fully materialized; because a large portion of competent institutions did not establish the unit with in their respective institutions. Starting from the promulgation of the organ establishment proclamation the following institutions have established environmental units:

Table 4.1. Established Environmental Units

institution	Date of environmental unit establishment
Ministry of water and energy	2011
Ministry of Agriculture	_
Ministry of mines	2007
Road authority	2006
Power Corporation	2008

Source (questionnaires, 2012)

From the above table it can be inferred that the institutions even if they managed to have their own environmental units there is fluctuation on their date of establishment. Among the stated environmental units the case of the Ministry of Agriculture and power corporation of the country is some what different. Because in the Ministry of Agriculture there is no a well established environmental unit; however, one person is assigned to regulate the environmental responsibility of the institution. Similarly, the environmental unit of the Ethiopian power corporation was established in 2008. However, the unit has been dissolved and environmental matters especially the review of EIA report is done through the

teams working under power system planning unit (personal communication with EIA experts of the corporation).

4.1.1.1 The available EIA experts

The following table shows the available EIA experts of the researched institutions.

Table4.2. Available EIA experts

institution	Available EIA experts	experts needed
Ministry of water and energy	2	9
Ministry of Agriculture	1	–
Ministry of mines	5	10
Road authority	10	–
Power Corporation	5	–
FEPA	5	6

Source: (questionnaire, 2012)

The experts who perform the EIA review activity with in the institutions are not as much as expected with quality and quantity. This can be inferred from the table that the professional staff needed with in the institutions compared to the existing experts is not proportional. On the other hand, institutions like the Ministry of Agriculture, Road Authority and Power Corporation do not have a documented data expressing the number of needed experts. In addition since environmental matters are interdisciplinary the staffs which will engage in the environmental matters needs to be composed of different disciplines depending on the environmental matter at hand.

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EIA trainings

Table 4.3: No of the respondents who got training

Si No.	Access to training	Frequency	percent
1	yes	24	85.7
2	no	4	14.3
Total		28	100.0

Source: (questionnaire, 2012)

As shown in the table the results of semi-structured questionnaires distributed to the experts confirm that, out of the existing EIA experts with in the participating institutions 14.3 percent of them did not take the EIA training at all. On the other hand the remaining 85.7 have taken the training but it is for short duration like once for three days or less.

4.1.1.2 Materials needed to review EIA documents

The following table shows the available materials with in the participating institutions environmental units for the EIA review process:

Table4. 4: Availability of Materials for the EIA Review Process

No.	Institution	Review Guide-lines	EIA good practice case stu-dies	Internet services	Laboratory	vehicles
1	ministry of water and energy	✓	x	✓	x	x
2	ministry of mines	✓	x	✓	x	x
3	ministry of Agriculture	✓	x	✓	x	x
4	Ethiopian road au-thority	✓	x	✓	x	✓
5	Ethiopian Electric power Corporation	✓	x	✓	x	x
6	FEPA	✓	x	✓	x	x

Source: (questionnaire, 2012)

As can be inferred from the table the institutions lack laboratory and vehicles. Because of these they lack the potential and material to review the documents practically so what they do is they simply perform desk review of the documents; they do not go to the project area and check whether the document is in accordance with the practical environment or not (personal communication with the EIA experts of the participating institutions).

On the other hand to fill the inadequacy some environmental units through pool system use the materials from other departments of their institution for the review process; like the Ministry of Mines, the Ministry of Water and Energy and the Ministry of Agriculture.

By considering the above criteria's to evaluate the institutions material capacity to administer EIA and to facilitate the coordination process, the condition of the participating institutions is not satisfactory to suggest that they are capable enough to fulfill their responsibility which has been interested to them by either the countries environmental legal documents or specifically by the environmental organ establishment proclamation.

4.2 The legal bases for the institutional coordination

In order to evaluate the legal base for the institutions coordination, the nature of agreement between the participating institutions will be considered; whether it is formal or informal and by the nature of power delegation made by FEPA to sectoral institutions.

4.2.1 The nature of agreement between the institutions for coordination

The federal democratic republic of Ethiopia has provided some legal documents which guarantee the protection of the environment in every development activity conducted with in the country.

As per article 43(1) of the constitution, every citizens of the country have been granted the right to participate in any kind of development activity. On the other hand, the citizens of the country have a fundamental right to live in a clean environment (constitution Art.44 (1)). That means, even if the citizens have every right to participate in a development activity they should consider environmental issues together with the development activity because the country aspires to wards sustainable development. To accomplish this objective the constitution also puts a burden on government institutions for the protection of the environment by stating that "*The State shall have the responsibility to strive to ensure a clean and healthy environment for all Ethiopians*" and the state accomplishes its responsibility to wards implementing its objectives through public institutions among others (constitution Art.92). Therefore, every public institution whether its main objective is environmental protection or not have the obligation to wards environmental protection.

Furthermore, international agreements ratified by Ethiopia shall be considered as part of the law of the country (Article 9(4)).To this effect international environmental agreements ratified by the country state the necessity of institutional coordination for effective environmental protection whether national or international. Especially agenda 21 points out that states should move away from the traditional sectoral approach towards cross

sectoral coordination in order to integrate environmental issues at all levels of development decision making process with in a country.

Depending on the constitutional principles and international agreements ratified by the country the main objective of the environmental policy of Ethiopia states the fact that the coordination activity should be in conformity with the constitution. Especially the policy emphasizes the decentralization of power, integrating environmental matters with in the development decision making process, avoiding conflict of interest by assigning specific responsibility with respect to environmental protection to the coordinated institution (environmental policy of Ethiopia, 1997).

The policy also states the necessity of the coordination of the existing government institutions to incorporate the issue of environmental protection with in their development activity. In the coordination process the policy states that the responsibility of each participating institution should be explicitly specified in order to avoid a possible conflict of interest. To insure the compliance of the objective of the policy FEPA has been given the mandate to make sure that the coordination process is going well and smoothly to achieve the common objective.

Similarly, environmental protection organs establishment proclamation No. 295/2002 affirms the intentions of the constitution and the environmental policy of the country and in its preamble it states that *"assigning responsibilities to separate organizations for environmental development and management activities on the one hand, and environmental protection, regulations and monitoring on the other is instrumental for the sustainable use of environmental resource, thereby avoiding possible conflicts of interests and dupli-*

cation of efforts". This coordination activity of different institutions is based on the principle of coordinated but differentiated responsibilities among institutions which are responsible for environmental protection.

To accomplish the coordination process and to over see environmental matters with in the federal level the FEPA has been established by proclamation no.295/2002. One of the major responsibilities of the authority is to establish a system for environmental impact assessment of public and private projects, as well as social and economic development policies, strategies, laws, and programs.

simillarly, as per Article 14 of the proclamation sectoral agencies are obliged to establish environmental units which are responsible for the facilitation of the coordination process and to make sure that environmental issues are incorporated in each institutions decision making process.

Besides establishing environmental units with in public institutions the proclamation also gives FEPA the power to delegate some of its powers to the units. To this effect the authority delegated the power to review EIA reports to the established environmental units of sectoral institutions.

The above legal documents took a solid step by putting environmental protection as a fundamental right and by stating the necessity of institutional coordination for effective protection of the countries environment. On the other hand, for the proper implementation of the documents besides stating the necessity of coordination, there should be a comprehensive and explicit provision which is dedicated to the rights, responsibilities and

accountabilities of the participating institutions during the coordination process to wards achieving the common goal.

Relatively, EIA proclamation No.295/2002 tried to specify the responsibilities of FEPA and a little about the duties of sectoral environmental units compared to other legal documents but it did not compressively specify the responsibilities of the institutions during the coordination process.

Generally the documents did not clearly specific rights, responsibilities and accountabilities of the participating institutions during the coordination process.

4.2.2 The nature of EPAs power delegation to sectoral institutions

In order to evaluate the nature of the power delegation the communication and the capacity building system between the participating institutions will be considered.

To this end by the approval of the council of ministers of the federal democratic republic of Ethiopia in 2009 FEPA delegated the power to review EIA documents to sectoral federal institutions which have the power to provide licenses to development projects.

The objective of the power delegation

According to FEPA the main aim of delegating its power to sectoral institutions is to benefit from the expertise of the institutions. The presumption is that EIA experts who work in these institutions have a better knowledge about the environmental concerns of their institutions. Furthermore, since the institutions are responsible for the implementation of the development project they are expected to mitigate any environmental impact

which comes as a result of the implementation of a certain project. Similarly, by the principle of the BPR document service providers are expected to provide a one widow shopping service to their customers; therefore, when proponents go to these institutions to receive permit for their development projects the same institution will provide them the EIA review service. The intention of this kind of accommodation is to avoid the beurocracy that do no motivate the proponent to engage in the countries development endeavor (personal communication with FEPA EIA experts).

Rights and responsibilities of the participating institutions

To this effect FEPA together with the delegation document the authority annexed projects which should go through EIA process for each concerned institutions. Besides the list of projects the document also specifies the responsibilities of the sectoral institutions and FEPA.

Based on the delegation document sectoral institutions have rights and responsibilities the main responsibilities of the institutions are to make sure that the environmental units have adequate capacity for EIAR review, to review the EIA reports based on the appropriate requirements and to send quarterly report to FEPA about the EIA documents which have been reviewed. On the other hand, the institutions have the right to communicate with FEPA if they face any difficulty concerning the delegated responsibilities.

Similarly, the delegation document specifies the rights and responsibilities of FEPA. One of the responsibilities of the authority is to develop the capacities of sectoral institutions in order to help them efficiently accomplish the EIA review process. Furthermore, if the authority thinks that the EIA reviews made by the sectoral institutions have a problem

and also if there is complain against the review reports the authority will take any appropriate action it deems necessary. On the other hand, the authority has the right to amend the list of projects which have been annexed with the delegation document and also the implementation of the delegation.

Communication

- **environmental information system(EIS)**

Concerning the communication of the participating institution as per the environmental organ establishment proclamation FEPA needs to establish environmental information system(EIS) for effective data collection, management and use with in the participating institutions and between the authority (proclamation No.295/2002 Article6(13)). However, there is no a well established EIS with in and among the participating institutions; let alone the EIS the researched institutions do not have a well organized EIA documentation system.

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- **Reporting**

Besides the EIS as per the delegation document the other means to create a smooth communication between the institutions is the quarterly report which is expected from the sectoral institutions. This process helps FEPA to evaluate the performance of the participating institutions. The institutions also benefit from the process because if there is any difficulty encountered the institutions will report and the authority will respond accordingly.

However, some participating institutions are reluctant to send the report to the authority; for example, out of the researched institutions road authority used to send the review re-

port to FEPA for the decision making process, but now unless the project is done with the help of donor agencies the report will not be sent to FEPA; because donor agencies require the decision to be made by independent autonomous body (personal communication with the head of the EIA team). Similarly, electric power corporation rather than sending the reports to FEPA it sends the report to the ministry of water and energy (personal communication with the corporation EIA experts). However, according to FEPA the corporation is administered under the ministry of water and energy and the ministry sends the reports on behalf of the corporation (personal communication with FEPA EIA experts).

On the other hand, even if the remaining sectoral agencies send the EIAR reports quarterly to the authority there is no feed back from EPA what so ever with regard to the reports sent to it. The experts from FEPA also affirm that there is no record concerning a feed back sent to sectoral institutions depending on the reports sent by the institutions.

- **monitoring**

If the above methods of communication are not working the other option is monitoring the performance of the sectoral institutions with regard to EIA administration. Since the institutions established environmental units recently it is difficult to expect they will perform according to the delegated power effectively. Therefore, it is the responsibility of FEPA to monitor the institutions to find out their short comings and help them over come this problems. To this effect since the establishment of the sectoral environmental units there is no any monitoring activity performed by the authority (personal communication with the participating institutions EIA experts). The experts from FEPA also affirm the

allegation made by sectoral institutions with regard to the monitoring process since the establishment of the environmental units.

Capacity building

as per proclamation No. 195/2002 and the delegation document FEPA is responsible for the capacity development of sectoral institutions environmental units' in terms of providing the necessary material for the review process and building the capacities of the experts by providing training.

It is the responsibility of both the sectoral institutions and specially FEPA to develop the capacity of the experts who are assigned to review the EIA documents; however, there is shortage of experts. Besides the shortage of EIA experts most of the existing experts do not have adequate knowledge because they have not taken EIA training and the other experts only took short term training on EIA as stated on table 4.3. On the other hand, as per the experts of the authority, FEPA is planning to provide EIA training to sectoral experts in the near future (personal communication with FEPA EIA experts).

Avoiding conflict of interest

in order to avoid a possible conflict of interest FEPA needs to established effective communication system like EIS and effectively build the capacities of the participating institutions especially in terms of awareness creation programs not only for the EIA experts but also for the officials of the participating institutions in order to change the attitude of the officials to wards the importance of EIA; because, they are responsible for the decision making process.

However, as can be inferred from the above assessment the communication system between the participating institutions and the capacity building responsibility of FEPA is not effectively implemented. Therefore, it is difficult to conclude that there is no conflict of interest between the objective of EIA and sectoral ministries. On the other hand, there is no a developed mechanism to resolve if there is a possible conflict of interest.

4.3 The institutions level of motivation for the coordination process

The motivation of the participating institutions can be evaluated based on the awareness level of the officials of the institutions about the importance of EIA for the sustainability of the decision making process, on the strength of the EIA administration with in the concerned institutions, the integration of EIA in the decision making process and their motivation for the effectiveness of the coordination process.

4.3.1 The awareness level of the officials of the institutions

The training can be given by environment protection institutions, by higher institutions and by international organizations. Through training the official's negative attitude to wards EIA will decrease; that means EIA will not be considered as a set back to the development objective of a country.

After the awareness of the officials developed their motivation for environmental protection can be evaluated based up on the concerned institutions budget allocation, the adequacy of EIA experts, the materials for EIA administration and most of all the officials motivation to integrate EIA in the decision making process.

Considering the above discussion it is important to evaluate the awareness level of officials with in the federal government of Ethiopia especially the institutions in which the research is conducted through their commitment to incorporate EIA in the decision making process.

Road authority

The officials of the authority did not have any EIA training. Therefore, the perception and commitment of other departments with in the institution about the importance of EIA is minimal. Because of this there is a problem in order to implement the findings of the EIA report on the ground in terms of shortage of capacity and power to do so. Besides the higher officials there is also reluctance and luck of awareness on the side of project designers of the institution to incorporate the recommendation presented by the EIA review report on the project implementation process; especially if the project is located in remote areas of the country the designers are carless to incorporate environmental issues. Further more, besides the reluctance of project designers to apply the recommendation provided through EIA, Some times the recommendation provided after the review process will not be integrated in the institutions decision making process (personal communication with the head of the EIA team).

Power Corporation

There is no EIA awareness creation program provided to the officials of the corporation Because of this, the officials of the institution are not committed towards the implementation of environmental impact assessment during a project development process.

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This fact can be evaluated based on the status of the environmental unit of the corporation. According to the EIA experts of the corporation in the first place the unit was established not by the initiation of the organization rather by the pressure from international lending organizations. These organizations as a requirement need the existence of environmental unit with in the organization. As a result the unit has been established because of the pressure exerted by World Bank in 2008. However, the unit has been dissolved and was not included in the BPR study of the corporation; the EIA experts are now working at other departments with in the organization (personal communication with the corporation EIA experts).

Ministry of agriculture

Even if there is no EIA awareness creation program for the officials, according to the expert of the institution there is a promising trend with regard to the perception of the institutions authorities to wards EIA even if it is not comprehensive but there is a sign of progress. EIA will be conducted based on the request of the ministry as a requirement to implement development projects which have received a license from the institute. Furthermore, the comments made by experts about the EIA report will be incorporated in the decision making process (personal communication with the ministries EIA expert).

Similar to the ministry of agriculture the officials of the rest institutions tend to incorporate EIA in the decision making process but this positive perception of the officials need to be enhanced through training.

Generally since there is no awareness creation program and training provided to the officials of the participating institutions about the importance of EIA for the sustainability of

development projects as well as the benefit of institutional coordination, it is difficult to conclude that the institutions are motivated enough for the effectiveness of the EIA administration, the integration of EIA in the decision making process and to effectively implement the coordination process to achieve the common objective which is the sustainable development of the country.

Besides the awareness level of the officials of the institutions the motivation of the institutions can be evaluated based on the following measurements:

4.3.2 The institutions budget allocation

The adequacy of the budgeting system can be evaluated as has been indicated in table 4.3and 4.4 based on the availability of materials and capacity building programs for the concerned institutions environmental units. To this effect the federal institutions especially the institutions the research covers show lack of adequate budget to administer the environmental units with in the organizations. Because, almost all of the institutions do not have adequate material to review EIA documents presented to the units. That means the institutions only review the EIA documents with out checking the filed area.

Besides laboratory materials and necessary office equipments the reviewer needs to crosscheck whether the concerned public have effectively participated during the EIA process or not. To this effect all participating institutions lack the budget to do accordingly and FEPA is not an exception with this regard. According to FEPA's EIA experts even if the proponents are obliged to annex a minute declaring the involvement of the public during the EIA process; the authority is unable to cross check the intention of the public in the field area.

Similarly, the number of EIA experts in the participating institutions is not adequate especially when the available EIA expert compared to the EIA documents for review as shown on table 4.2.

According to FEPA and the other institutions this is due to the fact that the salary allocated to experts and other incentives are not motivating. Therefore, qualified experts are reluctant to work on the institutions EIA team because they can manage to get a job which can pay better. On the other hand, even if the institutions manage to employ experts there is high expert turn over. Therefore, by using the existing budget system it is difficult to have adequate EIA experts in quantity and quality.

Most EIA experts with in the institutions did not have prior knowledge about EIA. Furthermore, the experts who are exposed to EIA training only took the training once for short term as shown on table 4.3.

Public participation

According to the constitution the citizens of the country are granted with the right to participate and have a say in the environmental and social impact of development projects which will be implemented in their surrounding (constitution, Art. 43(2)). Similarly proclamation No.295/2002 obliges the participation of the concerned public during the EIA process.

Since the participating institutions are engaged in the review process they are responsible to crosscheck whether the concerned public have participated in the EIA process or not. This can be through public hearing either they need to go to the project area or they can

use any other appropriate media to communicate with the public. However, the institutions when they review EIA documents they only insure the participation of the concerned public during the EIA process from the minutes annexed with the EIA document. There is no public hearing which is prepared by the review institutions to cross check whether the public really participated during the EIA process or not. According to the experts from all the participating institutions this is because there is a lack of budget to administer this process.

4.4 The nature of communication between the institutions

To emphasis the necessity of effective communication for the coordination process the environmental policy of Ethiopia states that the central agency(FEPA) is interested with the task of over seeing environmental mater and the authority should make sure that any information concerning the environment of the country should be available and disseminated in a standardize manner.

Similarly, as per the environmental organ establishment proclamation and the delegation document the participating institutions need to communicate and work together to achieve a common objective by avoiding a possible conflict of interest. In order to facilitate the communication system it is the responsibility of FEPA to establish EIS with in and between the participating institutions. However, the authority failed to establish a well organized EIS. Because of this the participating institutions have difficulty how and when to communicate with each other. According to FEPA the task is delayed because sectoral institutions did not have established a well organized environmental unit and if

they manage to organize their environmental units the authority will establish the system (personal communication with the experts of FEPA).

Since there is a communication loophole between the institutions FEPA does not know what the sectoral institutions are doing with the delegated power. At the same time the sectoral institutions lack the way how to communicate with the authority if they encounter any problem concerning environmental protection. This fact makes the coordination process almost impossible for the achievement of the common objective.

4.5 The institutions power structure for check and balance system

To evaluate the participating institutions power with in the coordination process for the check and balance system the research considers the relative position of the participating institutions with in the government ladder of power structure.

Most of the participating institutions are found at a ministerial level and as per the constitution the institutions are accountable to the council of people's representatives. Further more, the ministers of the participating institutions are also members of council of ministers which has the highest executive authority in the Federal Democratic Republic of Ethiopia. The members of the Council of Ministers shall bear collective responsibility for the joint decisions they make in their official capacity. Therefore, the institutions are found at a higher position in the countries government power structure.

On the other hand, FEPA has been established at an authority level and as per the environmental organ establishment proclamation the authority is accountable to the prime minister. This shows that even if the authority is accountable to the prime minister and

the prime minister is a member of the council of ministers the authority lacks a direct contact to the council to influence the integration of EIA in the participating institutions decision making process. If this was the case, the authority will have a chance to show explicitly and effectively the environmental concerns of the decisions made by each participating institution because as per the constitution the ministers will be held responsible for any decision made collectively during the councils meetings (FDRE constitution, Art 77).

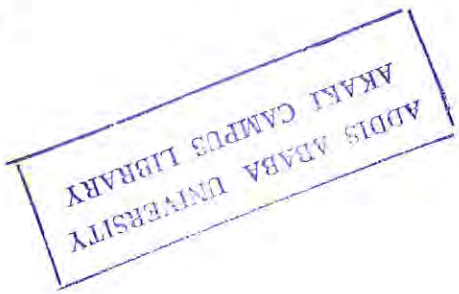
Consequently, even if there are laws which make the participating institutions responsible for environmental protection and most importantly to coordinate with each other for the same cause, the authority lacks the power to effectively regulate the activities of the participating institutions; because the authority is found at a subordinate level compared to most regulated institutions in the government ladder of power structure. Therefore, if some government institutions are not willing to obey the EIA law the authority lacks the power and the means to effect compliance (MELCA Mahiber, 2008).

Similarly, federal institutions as per the environmental organ establishment proclamation are responsible to establish environmental units with in their respective institutions but most institutions failed to do so. Further more, based on the delegation document one of the responsibilities of the sectoral institutions is to send EIAR reports to FEPA at list quarterly based on the delegation document prepared by EPA; On the other hand, FEPA has the power to correct if the EIA reviews made by sectoral institutions have problem, and to rectify if any body have complain against the decisions made by the sectoral insti-

tution and amend the implementation of the delegation as it deems necessary (FEPA power delegation document).

However, out of the researched institutions some of them live up to their responsibilities but others do not. According to the Ethiopia power corporation, the institute dose not has any contact with FEPA. By taking for granted the responsibility to send the EIA report to EPA the corporation sends the EIA review reports to the ministry of water and energy (personal communication with EIA experts of the power corporation). Similarly, according to Ethiopian road authority unless there is complain against projects which are implemented by the institution there is no reporting system between the two institutions (personal communication with the head of the authorities EIA team). On the other hand FEPA until now has not taken any kind of measure to rectify the institutions act against their responsibility. On top of that, the authority does not have any plan or strategy in order to over come such kind of problem in the future(personal communication with experts from FEPA).

These is due to the fact that the authority is not in the position to rectify the non compliance because most sectoral institutions are found at a higher position in the ladder of the government power structure compared to the authority (personal communication with FEPA EIA experts).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5 Chapter five: conclusion and recommendation

5.1 Conclusion

For EIA administration the institutions must have adequate human resource in terms of both quality and quantity. Similarly, the unit should have adequate material and finance to administer EIA effectively. However, the available EIA experts are far less than the needed experts; besides the number the EIA teams of the institutions do not have adequate knowledge about EIA due to lack of intensive training. Furthermore, since the institutions are involved in the EIA review process they should have adequate materials to crosscheck the EIA review process. However, the institutions lack materials like laboratory, vehicles to do the job appropriately. Therefore, they are forced to perform desk review of the documents. Generally, this shows FEPA's and sectoral environmental protection unit's lack of adequate financial capacity to fulfill the unit's human and material resource to administer EIA effectively.

Secondly, FEPA is responsible in terms of awareness creation and providing EIA training programs to organs responsible for environmental protection. Contrary to the obligation of the authority let alone the officials of the participating institutions only two sectoral institutions EIA experts have received EIA training by the authority and the case of the authority's environmental experts is not much different.

Since the officials of sectoral institutions do not have adequate awareness about the importance of EIA they are not inclined to allocate adequate budget to build the capacities of the environmental units. These can be inferred from the unit's human, material and financial capacity to administer EIA. Therefore, it is fair to conclude that the institutions

are not motivated enough for the smooth application of the coordination process and for the effective EIA implementation.

Thirdly, by disregarding the responsibility which is interested to FEPA until now there is no a well established EIS. Similarly, some sectoral institutions among the researched institutions fail to send the required quarterly report to the authority. Furthermore, since the existing sectoral environmental units are established recently and the units are new to the delegated power, FEPA needs to evaluate the performance of the environmental units and help them to overcome difficulties concerning their responsibility. However, since the establishment of the sectoral environmental units and after the power delegation, FEPA did not monitor the performance of the units even once. These facts lead to the conclusion that the intended communication between the participating institutions is not well established and non existent.

Finally, there should be a formal agreement between the participating institutions and the agreement needs to define and set the activities of each negotiating institution, how to resolve conflict of interest, identify the common objective of the institutions and set the priorities of each institution. To this effect the countries legal documents are vague in terms of explicitly stating the participating institutions roles and responsibilities in the coordination process. Furthermore, the documents do not have explicit provision devoted to avoiding a possible conflict of interest if conflict arises. Therefore, the documents do not fulfill the requirements to call them formal agreements to administer the coordination process.

The institutions power structure for check and balance system have also its own impact for the effectiveness of the coordination process. FEPA has been established by proclamation No.299/2002 as a core authority to oversee environmental matters of the country. By the same proclamation the authority is also responsible to facilitate the coordination process between and among the participating institutions. Similarly, the authority delegated its power to review EIA documents to these institutions. Most of the institutions are found at ministerial level which is the highest power based on the governments power structure on the other hand FEPA has been established as an authority. Therefore, compared to the other participating institution the authority is found at a subordinate position. This reality makes it difficult for the authority to exercise its responsibility effectively. This can be inferred from the fact that even if sectora institutions fail to establish environmental units, fail to send quarterly report to the authority and fail to integrating EIA in their decision making process the authority lacks the power to either make or influence these institutions to be abided by their responsibility.

By considering the above facts even if the government of the country tried its best in terms of adopting international environmental agreements to the countries legal documents and establishing FEPA as a lead authority to oversee environmental matters of the country the reality is far from the principle. That means, even if a certain country developed and adopted adequate environmental laws that does not fully show the countries commitment for the implementation of those laws. Therefore, in order to implement the laws there should be a well established institutional structure which is legally, technically and financially capable to fulfill its responsibility. Besides the capacity of an individual institution since environmental matters need an integrated effort of all concerned institu-

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tions there should be a well established coordination process between the concerned institutions. To this effect as can be inferred from the above concluding remarks the government is not diligent enough in terms of establishing a well organized institutional structure and coordination process between the participating institutions for effective environmental protection especially for effective EIA implementation with in the federal government of Ethiopia.

5.2 Recommendation

To overcome the problems encountered for effective coordination process between concerned government institutions especially with FEPA the research work will recommend the following:

- Environmental legal documents of the country should clearly specify what the rights and responsibilities of each concerned institutions in the coordination process. The documents also need to explicitly state the mechanism to resolve a possible conflict of interest between the institutions.

- Since FEPA is the focal institution for environmental protection and acts as a regulatory organ for the coordination process, the power of the institution must be enhanced compared to the other participating institutions in order to make the authority have a direct contact with the highest decision making organ of the country that is the council of ministers. That will help the authority exercise its power effectively to influence the decision making process of the participating institutions.

- Out of the existing government institutions most of them do not bear their responsibility with regard to establishing environmental units. Therefore, the government needs to show its commitment by making the concerned institutions establish environmental units.

- FEPA should make the environmental unit directorate capable enough to fulfill its responsibility to facilitate the coordination process in terms of:

    a. Establishing effective EIS to facilitate the communication process.
    b. Fulfilling the needed human, material and financial resource to oversee the coordination process.

- Since the existing environmental units of the sectoral institutions are new the government must devote its financial resources to accommodate these institutions in terms of human, financial and material needs for the effectiveness of the EIA administration and the coordination process.

- At present sectoral institutions are not capable enough to implement the delegated power and there is also the issue of conflict of interest. Therefore, FEPA needs either to:

    - build the capacities of the environmental units
    - Retain its delegated power or,
    - Out source the power to other capable private firms.

- FEPA should work hard on providing awareness creation programs to higher officials of the country about the importance of EIA for their decision making process and the sustainability of a development project they plan to implement.

- FEPA should provide intensive training to the EIA experts who work either at FEPA or at the sectoral institutions to enhance their performance for EIA administration.
- Above all the issue of public participation during the EIA process should be given a higher priority with in the environmental legal documents and as the same level the institutions should take the issue of public participation as a main point either to give or deny a permit for a certain development project.

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Annexes 1: Interview guidelines

Institutional level of motivation for EIA administration (for sectoral administrative authorities)

1. What is the main objective of your organization?
2. Does your organization have its own environmental policy?
3. What is your perception about EIA?
4. How do you explain your institutions awareness about the importance of EIA?
5. Do senior planners and decision makers attended short environmental awareness programmes so that they appreciate the issues raised in EIA reports and can make enlightened decisions?
6. Is there conflict of interest between the objective of your organization and EIA?
7. If there is a conflict is there any mechanism to resolve it?
8. How can you explain the institutions commitment and willingness to implement EIA in terms of:

   -adequate staffing (number and profession)

   - Technical capacity for EIA implementation (data, information, training, Availability of guidelines…)

   - Economic incentive (Budget)

   - Resources (laboratory, transportation, adequate office, office equipment, enough tools…)
9. Is there adequate funding for EIA administration, capacity building and training?
10. What requires or drives you to include EIA in development planning or decision-making?

(E.g. national EIA laws, Stakeholder/public demands, Conditions imposed by donor/lender)

11. What do you consider to be the main challenges or obstacles to integrating EIA in development planning or decision-making? (E.g. Lack of or insufficient data/information, human resources with relevant skills, not enough tools, insufficient funding, Lack of political will and awareness)
12. Where is the source of funding to administer EIA?
13. Is your institution work in coordination with FEPA for EIA administration?
14. The nature and level of communication?

    (e.g. *in terms of* financial, technical and legal *support*)

Coordination (for FEPA authorities)

1. According to the EOE proclamation sectoral institutions should establish environmental units. Then currently how many institutions have environmental units?
2. How do you explain the nature and Level of linkage between the institutions?
3. Do sectoral institutions have clear mandate or authority for EIA administration and review process to reduce role ambiguity among the institutions involved and to increase the level of their accountability?
4. What is the relative position of FEPA compared to the sector institutions in terms of power?
5. Does the relative position of FEPA have impact for effective collaboration with other institutions to have sufficient influence to ensure effective implementation of the EIA process?
6. Is there communication procedure between all responsible institutions?
7. What is the level of communication between actors?
8. Is there environmental information and networking system?
9. What is the need to delegate the EIAR review power of FEPA to sectoral institutions?
10. Is there a legal ground for the delegation?
11. Is there Sectoral review guideline?
12. If FEPA delegated its power to review EIAR then what is the mandate of the FEPA with respect to EIAR?

13. Is there conflict of interest?(working EIA and reviewing it by the same institution)
14. What is the mechanism to minimize conflict of interest during EIA administration and review?
15. How does FEPA support sectoral institutions in terms of capacity building (financial, technical and legal, providing guidelines...)?
16. Is there any incentive mechanism proposed for sectoral institutions to integrate EIA in the decision making process?
17. Does FEPA have ever monitored the performance of sectoral institutions? (Is there a check and balance system (reporting)?
18. If there is non compliance with the other institutions what will be the mechanism to effect compliance?
19. Is EIA Integrated with other sectoral policies, plans and strategies?
20. How do FEPA evaluate the performance of sectoral institutions with regard to EIA administration and review process?
21. Are there any incentive packages to promote the implementation of the law (e.g. Granting the loan or credit, allocating the budget or providing or leasing the land)

To evaluate the institutions level of empowerment to implement EIA (for EIA legal experts)

1. Is there an enabling policy and legal framework, including sectoral policies that recognize the role of EIA in sectoral development planning? If yes are they adequate and complete?
2. Are there reviews and analyses of the adequacy, strengths and weaknesses of applicable legal, policy and strategies for EIA administration particularly with regard to sectoral coordination for EIA implementation?
3. Is there any proposed changes to these; guidelines, agreements or memoranda of understanding that apply to EIA?
4. Does the EOE proclamation clearly provide the responsibilities of all the relevant institutions and their relationships for EIA administration?
5. Are there necessary directives, guidelines and environmental standards issued to implement the proclamation?
6. Is there legitimate EIA procedural guideline and are the guidelines comprehensive, thorough, and relevant to the specific needs and realities of the country?
7. Are there clearly defined and adequate sectoral procedural guide lines for EIA administration to minimize responsible agencies undue discretion?
8. How this guide lines developed (the role of sectoral institutions)?
9. How FEPA delegated the power to review EIAR to sectoral institutions?
10. Does the delegation have a legal ground?

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11. Is there a sectoral review guideline and does it address such issues as the EIA Process and Review with emphasis on the role of the respective institution?
12. If there is non compliance with the other institutions what will be the mechanism to effect compliance?
13. Is there a litigation involving EIA?
14. Is there stricter enforcement mechanisms?
15. Which organ acts as a liaison officer between FEPA and sectoral institutions for the co-ordination of EIA administrtion?
16. What is EC doing, particularly in the fields of cross-sector coordination on environmental issues at the ministerial level and facilitating the integration of environmental concerns into key development policies?
17. Are there any Focal points and/or persons that have been established or designated in the institutions and networks to ensure smooth flow of data and information?
18. Are there agreements or means of resolving conflicts where more than one set of EIA arrangements apply to the project?
19. Is there Environmental Clearance Certificate?
20. Is there any awareness creation mechanism developed for the public and concerned agencies with regard to the legal framework for EIA?
21. How do you evaluate the performance of environmental laws of the country in terms of implementation

Institutional set up and capacity (for the heads of sectoral EIA experts)

1. When did the organization establish environmental unit?
2. What is the institutional framework for EIA administration?
3. Is there an enabling policy and legal framework, including sectoral policy that recognizes the role of EIA in sectoral development planning?
4. Is your organization well staffed with EIA experts?
5. Are the experts certified to conduct EIA?
6. Does your department have appropriate materials to conduct EIA?
7. Is there published code of practice for EIA practitioners?
8. What is the actors' level of awareness and knowledge about EIA (legal and technical)?
9. Is the department well funded so that the data collected are reliable and complete and the staffs well trained and motivated?
10. Is there access to technology, EIA research, education, training and awareness, capacity building and information sharing?
11. How and to what extent did the public participate in the EIA process?
12. Is EIA integrated with other decision- making process with in the organization? How?
13. At which level of the project implementation you integrate EIA (earliest pre-feasibility stage.)?
14. Is there conflict of interest between the objective of your organization and EIA?
15. If there is a conflict is there any mechanism to resolve it?

16. Is there a regular internal audit of the environmental performance of the operation?
17. How does your organization ensure implementation of EIA-recommended mitigation measures (monitoring)?
18. Does your organization made evaluation about the impact of EIA on environmental protection?
19. Who does the EIRS review process?
20. Is EIRS review body independent from the body which performs the EIA?
21. Who approves and certifies the EIA report?

Annex 2: Questionnaires

To evaluate how EIA-related information is disseminated

Respondent's details

[1] Name,

[2] Position,

[3] Contact details:

[4] Description of respondent's organization

[5] Role(s) in the organization

1. What is your professional qualification?

A. Diploma in _____

B. Degree in _____

C. Masters in _____

D. others _____

2. Have you ever taken EIA training course?

Yes ☐ No ☐

3. Do you have contact with peoples, agencies, organizations and environmental information/data resource centers able to provide assistance and information regarding national EIA arrangements and developments?

Yes ☐ No ☐

If yes Please specify the nature and level of connection

_____

4. Do you have EIA procedural guideline for your sector?

Yes ☐ No ☐

If no please specify the reason?

---

5. Is there adequate budget for your department to administer EIA?

Yes ☐ No ☐

If yes/ no explain please

---

6. Does your organization obtain any kind of support from FEPA?(technical and legal)

Yes ☐ No ☐

If yes explain please the nature of the support

---

7. Is there adequate access to needed information for EIA administration?

Pleas tick the materials you have from the following

A. Guidelines

B. laboratory

C. internet

D. EIA good practice case studies

E. Others

8. Do you have appropriate materials to conduct EIA?

Yes ☐ No ☐

If yes are there adequate? Why not?

---

9. Do all projects implemented by the institution go through EIA?

Yes ☐ No ☐

10. At which level of the project do you integrate EIA?

A. pre-feasibility stage

B. feasibility stage

C. during implementation

D. after implementation

11. Who does the EIRS review process?

12. Is EIRS review body independent from the body which performs the EIA?

Yes ☐ No ☐

13. Who approves the EIA report?

14. Is EIA resulted in the replacement of a proposed plan with an alternative?

Yes ☐ No ☐

15. Does the competent agency keep Records of EIA decision report which will be available to the public?

Yes ☐ No ☐

16. Who monitors the performance of implemented projects with the authorization process?

A. EIA experts with in the institution

B. FEPA

C. No one

D. Other(*specify*)

17. Is there public participation during the EIA process?

Yes ☐ No ☐

If yes at which level of the EIA process do you involve the concerned public?

a) At preliminary stage

b) At scoping stage

c) During reviewing

d) other

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BY GIRUM AGONAFIR

CENTER FOR ENVIRONMENT, WATER AND DEVELOPMENT

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