

## The influence of actor capacities on EIA system performance in low and middle income countries –Cases from Georgia and Ghana



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### ABSTRACT

In this paper, we aim to better understand the factors that contribute to the substantive performance of EIA systems in low and middle income countries. Substantive performance is defined as the extent to which the EIA process contributes to the EIA objectives for the long term, namely environmental protection or, even more ambitious, sustainable development. We have therefore developed a conceptual model in which we focus on the key actors in the EIA system, the proponent and the EIA authority and their level of ownership as a key capacity to measure their performance, and we distinguish procedural performance and some contextual factors. This conceptual model is then verified and refined for the EIA phase and the EIA follow-up phase (permitting, monitoring and enforcement) by means of 12 case studies from Ghana (four cases) and Georgia (eight cases), both lower–middle income countries. We observe that in most cases the level of substantive performance increases during the EIA phase but drops during the EIA follow-up phase, and as a result only five out of 12 operational cases are in compliance with permit conditions or national environmental standards. We conclude, firstly that ownership of the proponent is the most important factor explaining the level of substantive performance; the higher the proponent's level of ownership the higher the level of substantive performance. The influence of the EIA authority on substantive performance is limited. Secondly, the influence of procedural performance on substantive performance seems less important than expected in the EIA phase but more important during the EIA follow-up phase.

In order to improve substantive performance we learned two lessons. Firstly, increasing the proponent's level of ownership seems obvious, but direct change is probably difficult. However, where international finance institutes are involved they can increase ownership. Despite the limited influence of the EIA authority, a proactive strategy of, for example, working together with international finance institutes has a slightly larger influence than a reactive strategy.

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### 1. Introduction

In nearly all low and middle income countries (LMCs), EIA has been legally established since the UNCED conference in Rio in 1992 (NCEA, 2013). However, in the majority of those countries, the substantive performance of EIA is still considered to be weak (Khadka and Shrestha, 2011; Marara et al., 2011; Clausen et al., 2011; Bitondo et al., 2014). Sadler (1996) defines substantive performance as the extent to which the EIA process contributes to the EIA objectives. The EIA objective for

the long term is environmental protection or, even more ambitious, sustainable development and, for the short term, informed and accountable decision-making (IAIA, 1999).

Little is still known about the factors explaining substantive performance (Annandale, 2001; Cashmore et al., 2004; Ostrovskaya and Leentvaar, 2011). Research on EIA performance in LMCs mainly focuses on procedural performance, i.e., the extent to which procedural requirements are met (Sadler, 1996; Zhang et al., 2012). Although procedural performance is important and a pre-condition for substantive performance (Van Doren et al., 2012; Khadka and Shrestha, 2011), it is not necessarily sufficient to explain substantive performance. All requirements of the EIA procedure, such as the delivery of an EIA report, can be fulfilled, but that does not mean that a project will be implemented in an environmental friendly way. To design and implement interventions that contribute to improved EIA substantive performance, it is

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necessary to better understand the factors explaining substantive performance. For this purpose, hypotheses raised in literature about factors that affect substantive performance (such as capacities, procedural performance and contextual factors; Kolhoff et al., 2009, 2013; Van Doren et al., 2012) need to be further elaborated (e.g. what is relative importance? how are they related? how can they be defined?) and empirically tested.

The aim of this paper is to contribute to a better understanding of substantive performance, elaborating in particular on the role and importance of actor *capacities*, defined as the abilities of people, organizations, and society as a whole to achieve their objectives (OECD, 2006; UNDP, 2008; Armstrong, 2013). Of all the actors that might influence substantive performance we focus on the proponent, that can be a public or private organization, and the authority responsible for EIA and EIA follow-up (hereafter, 'the EIA authority'). We consider them as the primary actors because they have the primary responsible formal role in each of the EIA procedural steps and therefore distinguishes from other actors. The central question studied in this paper is what is the influence of (i) the key capacities of the proponent and the EIA authority (ii) the contextual factors such as international finance institutes (IFIs) and non-governmental organizations (NGOs) and (iii) procedural performance on substantive performance. Therefore, in this paper we develop a conceptual framework that specifies actor capacities and connects these to the substantive performance of EIA systems. This conceptual framework is then verified and refined based on 12 case studies from Ghana (four cases) and Georgia (eight cases), both lower–middle income countries.

In this paper we aim to better understand the factors influencing long-term substantive performance of EIA systems in LMCs. We have therefore studied the influence of the key capacities ownership (motivation and means) of the proponent and the EIA authority, the importance of procedural performance and the influence of contextual factors such as IFIs and NGOs.

## 2. Conceptual framework

In this section, the following concepts will be described and operationalized: substantive performance, procedural performance and regulatory framework, capacities of the two primary actors and contextual factors. In Fig. 1, the relations between these concepts are indicated.

### 2.1. Substantive performance

In the introduction we defined substantive performance as the extent to which the EIA process contributes to the EIA objectives (Sadler, 1996). One can distinguish between two forms of substantive performance, one focusing on the short-term objective of EIA, informed and

accountable decision-making, that has frequently been studied in LMCs (Ogunba, 2004; Ali, 2007; Alemagi et al., 2007) and one focusing on the long-term objective of EIA, environmental protection or more ambitiously sustainable development, which is less frequently studied in LMCs (Khadka and Shrestha, 2011). In this paper, we focus on the long-term objective of EIA. Our study has therefore included not only the EIA phase following the procedural steps of screening, scoping, EIA execution and reviewing, but also the less studied EIA *follow-up phase*, including the procedural steps of environmental permitting or licensing, compliance monitoring or inspection and compliance enforcement. The importance of including EIA follow-up is emphasized by Khadka and Shrestha (2011) who, in a study on EIA performance in LMCs, concluded that EIA substantive performance on its long-term objective remains weak if there is no improvement in the performance capacity (capacity means) of the EIA authority responsible for EIA follow-up phase. Empirical research with this focus on substantive performance, including the EIA follow-up phase, is rare in LMC, and it is expected that the findings of this study will provide new insights into the factors explaining this form of substantive performance.

### 2.2. Procedural performance

Procedural performance refers to the extent to which the requirements of the regulatory framework are met (Sadler, 1996). Procedural performance is influenced by, on the one hand, clarity, and the ambitions that have been set in the EIA regulatory framework and other regulations such as environmental standards (considered as part of the context), and on the other hand the capacities of the two main actors who are interacting, primarily through communication and negotiation, during the procedural steps of the EIA- and EIA follow-up phase (Kolhoff et al., 2013; Zhang et al., 2012).

In the EIA literature it is assumed that procedural performance of the EIA phase is a condition for EIA substantive performance (Zhang et al., 2012; Wende, 2002; Arts et al., 2012). This might be true for high income countries but our research in LMCs shows that there is a weak correlation between the level of procedural performance during the EIA phase and substantive performance in terms of achieving the long-term objective of EIA. So we hypothesize from our research, that in LMCs a high procedural performance is not a necessary condition for high substantive performance.

### 2.3. Capacities of the primary actors

In this section, we describe the selection of the key capacities of the primary actors by using the literature on EIA and capacity development, by hypothesizing that those capacities primarily explain actors' performance. According to Lusthaus et al. (2002) the performance of an organization is explained by its willingness or motivation, the ability to use its resources, and context. Lopez and Theison (2003) and Baser and Morgan (2008) state that willingness or ownership and leadership (organizational capacities) are essential for good organizational performance and once in place, ensure that the other capacities such as skills and access to funds are developed. Kirchoff (2006) and Van Loon et al. (2010), building upon the work of Hilderbrand and Grindle (1994) and Potter and Brough (2004), have developed a framework to get insight into all the capacities used by the EIA authority in, respectively, Brazil and Yemen. Kirchoff (2006) and Van Loon et al. (2010) conclude that out of the five main capacities they distinguish (see Table 1), organizational capacities are more important than the other four categories of capacities. According to Stoeglehner et al. (2009) *ownership* of the proponent is a key condition and capacity for substantive performance of EIA for plans, and we assume that this is comparable for EIA for projects as well. Stoeglehner et al. (2009) state that proponents should own or adopt EIA as a means to achieve environmental or sustainable development objectives. They distinguish between two main aspects of ownership. Firstly, there is ownership of environmental values or

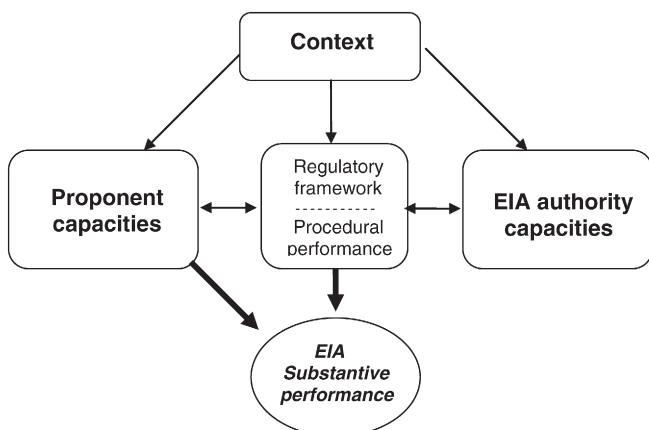


Fig. 1. Conceptual framework: factors influencing EIA substantive performance.

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