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**UNDP/GEF PROJECT ENTITLED “REDUCING ENVIRONMENTAL STRESS IN THE  
YELLOW SEA LARGE MARINE ECOSYSTEM”**

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UNDP/GEF/YS/RWG-B.2/7  
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**Second Regional Working Group Meeting  
For the Biodiversity Component of  
The UNDP/GEF Yellow Sea Project  
*Jeju, Korea, 9<sup>th</sup> to 12<sup>th</sup> November 2005***

**Brief Description of Governance Analysis**

**1. Background information**

During the First Meeting of the Regional Working Group – Investment (RWG-I), the members agreed that:

- (i) The integrated Governance Analysis should be carried out by the special institutions in the participating countries.
- (ii) Each RWG needs to carry out its own causal chain analysis with assistance from the RWG-I. The initial effort will focus on the fisheries component.
- (iii) Terms of Reference should be prepared based on the required actions discussed at the First Meeting of RWG-I (see the section 6.2 “Regional co-operation and co-ordination” of the meeting report).
- (iv) The data and information necessary for the Governance Analysis should be added to the data and information requirements of the fisheries component.
- (v) The proposed plan for the Governance Analysis (as well as the Socio-economic Analysis) will be submitted to the Regional Scientific and Technical Panel (RSTP) for approval before proceeding with the actual analysis.
- (vi) The RWG-I would provide necessary assistance to the other RWGs in carrying-out their Governance Analysis (as well as Socio-economic Analysis).

These agreements were approved at the first RSTP meeting in Dalian 4<sup>th</sup> to 6<sup>th</sup> July, 2005.

This document provides the basic information about the process of Governance Analysis for the benefit of the participants of the RWG-I meeting, and annexed documents discuss a possible execution plan in addition to the specific tasks required for the Analysis.

**2. Definition of Governance Analysis**

Governance Analysis can be defined as an analysis of the whole political environment that affect the environmental problems including; institutions, laws, policies and projected investments (in shorthand, “Governance”).

### 3. Objectives of Governance Analysis

The objectives of the Governance Analysis are to understand the underlying root causes of ecosystem problems and to identify possible options for intervention.

### 4. The Components of Governance Analysis

To achieve these objectives, the following three analytical works are conducted: Stakeholder Analysis, Institutional Analysis, and Legal/policy Analysis.

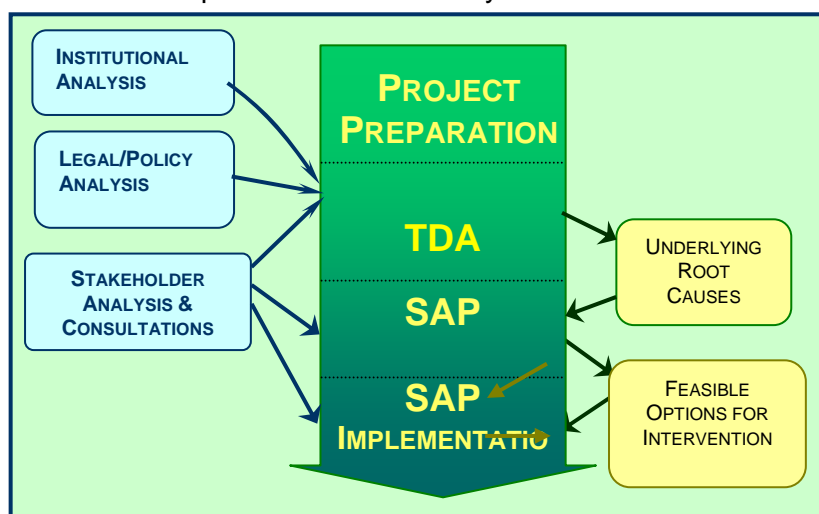
- *Stakeholder Analysis* confirms and collects information about affected populations, in different categories, through extensive research and consultation activities. The analysis can reveal the power structure among various stakeholders.
- *Institutional Analysis* focuses on the decision-making processes, analysing the dynamics of intra- and inter-organisational activities within the decision-making process, and implementation after the decision be made. Through this analysis, potential failures in the institutional arrangements can become clearer.
- *Legal and policy Analysis* provides basic information on the current legal status regarding the environmental protection and sustainable uses of marine and coastal resources, and for possible legal and policy harmonisations and reforms. The analysis can help in identifying reasons for lack of implementation by the relevant national strategies and law enforcement.

For details about the above three activities, see the section 7. “Summary of analytical works” in this document or refer to Annex III “Transboundary Diagnostic Analysis (TDA)/Strategic Action Programme (SAP) training kit (Module 6).”

### 5. Roles in TDA/SAP development

The results of the Governance Analysis are used as inputs for Causal Chain Analysis and TDA/SAP development. Figure 1 summarises the relationship of the Governance Analysis in the TDA/SAP process.

Figure 1. Relationship of Governance Analysis with TDA/SAP developments



Source: Bloxham, 2005, Module 6, p. 4

## **6. Suggested implementation structure**

A group of independent experts should implement the analysis. An independent research centre or NGO (with not only the expertise and experiences in the relevant field but also the local knowledge and perception) may be a good candidate for this work.

The mechanisms to secure regional co-ordination are necessary, though the analysis takes place largely at the national level. A technical task team must supervise the entire work both to incorporate the regional dimension into the analysis and to use its results effectively for the TDA/SAP development.

## **7. Summary of analytical works**

Figure 2 summarises the linkages among the three components of Governance Analysis (i.e., Stakeholder Analysis, Institutional Analysis, and Legal/policy Analysis). The information for different components may be gathered at the same time, though the use and interpretation of data may vary. The findings from the analytical works should be utilised from one component to the other.

### **7.1 Stakeholder Analysis**

The objectives of the Stakeholder Analysis are to verify interests of groups and individuals and to assemble information on affected populations. The targets of this analysis include various entities such as government, regulatory agencies, communities (including local communities), industries, and NGOs. Assessing all the relevant stakeholders may reveal who are the real actors and decision-makers (Power Analysis).

The analysis may employ structured questionnaires and analyse the collected data statistically. The data on the organisations are used in the subsequent institutional analysis.

To encourage public participation, the Public Involvement Plan needs to be devised. Throughout the preparation of TDA and SAP, the consultation with the stakeholders should be sought.

### **7.2 Institutional analysis**

The objective of the institutional analysis is to understand the formal and informal mechanisms of actual decision-making.

To reveal this potentially complicated process, the analysis describes the political, institutional, and social structures/systems at the national and regional levels. Based on the official information, the analysis focuses on the form of government, the balance between the different branches, and their individual characteristics.

Moreover, the Institutional Analysis analyses the dynamics and possible failures in the decision-making process. With the strengths and weaknesses of key institutions assessed, the analysis clarifies the needs for, for example, institutional reform, better intra and inter-sectoral coordination, and capacity building.

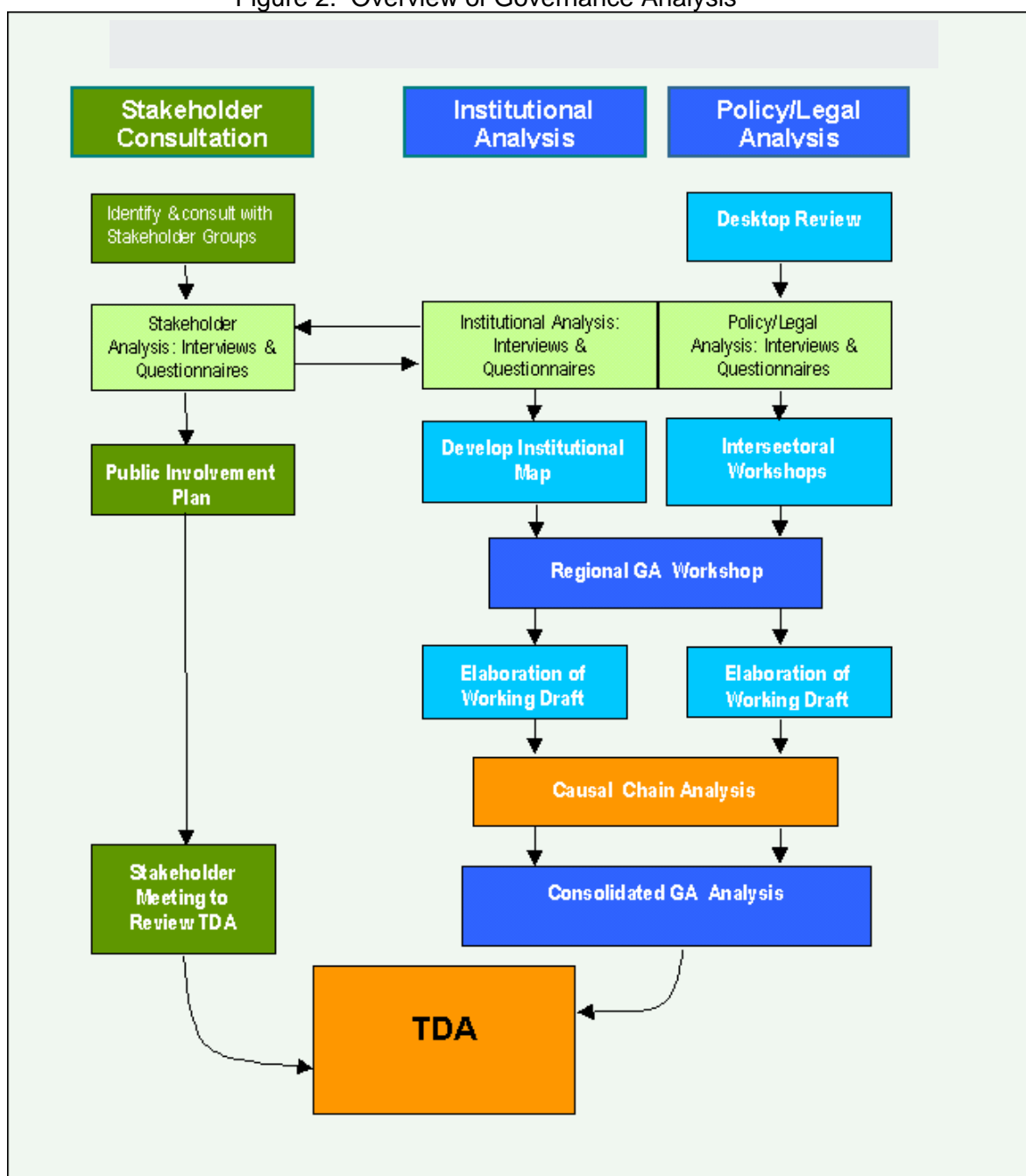
### **7.3 Legal and policy analysis**

The legal and policy analysis aims to provide the bases for recommending legal and policy reforms.

At the national level, this analysis assesses existing strategies for both development and environment, reviewing relevant projects and investments. The focus of the analysis is on the content and implementation of the strategies and on the compliance and enforcement of regulations. Analysing these aspects would identify reasons for lack of the implementation or enforcement.

At the regional level, the differences among concerned countries in their legal and policy frameworks should be examined (Comparative Analysis). Relevant conventions, treaties, or agreements must also be analysed for their potential to be a basis for better regional co-operation.

Figure 2. Overview of Governance Analysis



## **Annex I**

### **Draft Execution Plan of Governance Analysis**

#### **1. Objectives**

The objectives of the Governance Analysis are to understand the underlying root causes of environmental problems and to identify possible options for intervention.

The results of the Analysis will be used as inputs for the Causal Chain Analysis and the Transboundary Diagnostic Analysis/Strategic Action Programme development.

#### **2. Activities**

To achieve the above objectives, the Stakeholder Analysis, the Institutional Analysis, and the Legal and Policy Analysis will be implemented. For detailed information about these analytical works, refer to "Brief Description of Governance Analysis."

#### **3. Expected outcomes**

The expected outcomes of the analysis include the information on:

- Political hierarchies and relationships among various stakeholders,
- Potential failures in the institutional arrangements,
- Reasons for lack of implementation by the relevant national strategies and law enforcement agencies,
- Effective means for public involvement, and
- Priority areas and activities for future interventions.

#### **4. Implementation structure**

The implementation structure for the Governance Analysis consists of four major entities: (i) Regional Working Group-Investment (RWG-I), (ii) RWGs for other components, (iii) Project Management Office (PMO), and (iv) Governance Analysis Experts/consultants.

Collection and analysis of data will be conducted by independent experts/consultants who have not only the expertise and experiences in the relevant field but also the local knowledge and perception.

The PMO will supervise the work conducted by the consultants, with technical guidance from RWG-I members in order to incorporate the regional dimension into the analysis and to use its results effectively for the TDA/SAP development.

The PMO will also co-ordinate overall activities and provide logistic assistances for the consultants.

The RWGs for other components will provide the consultants with data from their respective component's data and information collection activity, as well as the preliminary interpretation of the data.

The below figure summarizes the implementation mechanism.

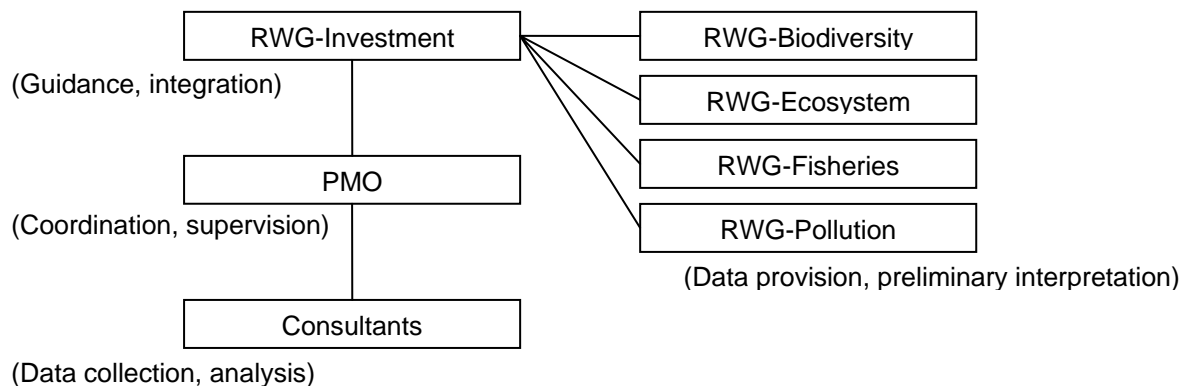


Figure. Implementation Structure of Governance Analysis

## 5. Work schedule

The work will be carried out from January 2006 through May 2006. The final report will be submitted to and discussed at the 3<sup>rd</sup> RWG-I meeting.

As to the detailed schedule of report preparation, see the "Draft Terms of Reference for the Governance Analyst."

## Annex II

### Draft Description of Tasks for the Governance Analyst

#### 1. Objective and scope of work

The objective of this assignment is to conduct the Governance Analysis for the UNDP/GEF project entitled “Reducing Environmental Stress in the Yellow Sea Large Marine Ecosystem” so as to understand the underlying root causes of the Yellow Sea’s ecosystem problems and to identify possible options for intervention, through the analysis of the whole political environment that affects environmental problems including: institutions, laws, policies and projected investments.

#### 2. Specific tasks

The specific tasks of the assignment are to conduct the following three analytical works: Stakeholder Analysis, Institutional Analysis, and Legal/Policy Analysis; namely,

##### A. Stakeholder Analysis

- Confirm and collect information about affected populations
- Reveal the political hierarchies and relationships among various stakeholders
- Devise the Public Involvement Plan to encourage public participation

##### B. Institutional Analysis

- Analyse the dynamics of intra- and inter-organisational activities within the decision-making process, and implementation after the decision is made
- Identify potential weaknesses in the institutional arrangements
- Clarify the needs for institutional reform, better intra and inter-sectoral coordination, and/or capacity building

##### C. Legal and Policy Analysis

- Provide basic information on the current legal status regarding the environmental protection and sustainable use of marine and coastal resources, and for possible legal and policy harmonisation and reforms
- Clarify reasons for lack of implementation or enforcement by the relevant national strategies and law enforcement agencies
- Examine the differences among concerned countries in their legal and policy frameworks
- Analyse relevant conventions, treaties, or agreements for their potential to be a basis for better regional co-operation

##### D. Synthesis of the analyses

- Recommend the priority areas and activities of future interventions, based on the above analyses. These recommendations would be the key inputs to the TDA, as part of causal chain analysis, and to the SAP, as management suggestions.

#### 3. Deliverables and deadlines

An output of this assignment is the final Governance Analysis Report which should include all the information discussed in the above specific tasks.

The work will be carried out from January 2006 through May 2006, according to the following schedule.

Task	Deadline
Contract	January, 2006
Inception report	1 <sup>st</sup> February, 2006
Interim report	1 <sup>st</sup> March, 2006
Final draft report	1 <sup>st</sup> April, 2006
Final report	1 <sup>st</sup> May, 2006

#### **4. Qualifications for consultants**

Prospective consultant(s) should have the expertise and experience in:

- Environmental legislation and institutional framework
- Environmental management
- Public consultation
- Yellow Sea governance issues

It is preferable that the consultant(s) have local knowledge and perception. Additionally, the contracted consultant(s) are to conduct the work in close conjunction with the Project Management Office and the Regional Working Group (RWG) for the Investment Component as well as the RWGs for other components.



## **Annex III**

### **Transboundary Diagnostic Analysis/Strategic Action Programme Training Kit (Module 6)**

# MODULE 6

## GOVERNANCE ANALYSIS & STAKEHOLDER INVOLVEMENT

- Institutional Analysis
- Legal / Policy analysis
- Stakeholder Consultation

### **1. This Module**

This module is the last of the five detailed modules which examine each stage of the whole TDA/SAP process. This module is intended to supplement the other modules and provides further detail to those steps in the TDA/SAP process that describe governance analysis and stakeholder involvement.

You will find a contents list of Module 6 at the end of the module.

### **1.1 Module Objectives**

At the end of the module, you should be able to:

#### **General**

1. Explain the role and importance of governance analysis in the TDA/SAP process, and the relationship between its three components: Institutional; Legal/policy; Stakeholders.
2. Explain the importance of regional comparative assessments in the context of both institutional and policy/legal analyses.
3. Design a process for carrying out institutional and policy/legal analyses that provide an overall context for the TDA and support the causal chain exercise.
4. Identify the strengths and weaknesses of the governance/stakeholder aspects of several case-studies.

### **Stakeholder consultation**

5. Explain how ethical, cultural and political issues are handled when setting up stakeholder consultation.
6. Describe how to determine the relevant stakeholder groups.
7. Describe potential problems in ensuring participation and how they may be resolved.
8. Design a stakeholder interview, explain its implementation and conduct qualitative analysis of data.
9. Critically assess stakeholder questionnaire design, explain its implementation and quantitative analysis of data.
10. Describe how to set up and conduct a meeting with a group of stakeholders, summarise and report on results from stakeholder consultations.

### **Institutional Analysis**

11. Describe the aims of an institutional analysis and its basic components.
12. List the macro-institutional aspects that should be taken into account.

### **Legal/policy analysis**

13. Explain the need for, and scope of, legal/policy analysis in the TDA.
14. Describe a basic approach for analysing policy/legal content, implementation, compliance and enforcement.
15. Appreciate the need for the policy/legal analysis to be integrated into the Causal Chain exercise (in Module 5).

## **1.2 Module Activities**

In this module, you will be invited to:

1. Study a series of texts and case-studies.
2. Complete two short self-assessment tests.
3. Complete two exercises analysing the approach used in several real case-studies.

## **2. General principles of governance**

As you have seen in Module 1, the main objective of the TDA is to provide a basis for the development of a Strategic Action Programme. Taken in isolation, the TDA focuses on scientific and technical assessments, whereas the options for strategic action require decisions and implementation by a wide range of stakeholders.

How such stakeholders, both within and outside Government, would respond to each option is conditioned by a complex social and political structure, particularly:

- legislative and regulatory frameworks
- decision-making processes
- financial constraints (e.g. budgetary allocations)
- electoral processes & representation systems

Governance analysis focuses on the dynamics of these relationships.

**The water crisis is often a crisis of governance.**

*GWP Framework for Action, 2000 World Water Forum*

Sound development options depend strongly upon good governance analysis, because the underlying socio-economic causes of transboundary issues are usually governance issues.

A fundamental premise of the governance concept is that not all public policy or sustainable development issues can be solved by governments, and that power and decisions are also exercised by social organizations and actors. For these reasons, governance analysis is a cornerstone of sustainability and effectiveness in the TDA-SAP process.

Governance analysis can thus be considered as the backdrop against which the TDA-SAP process develops.

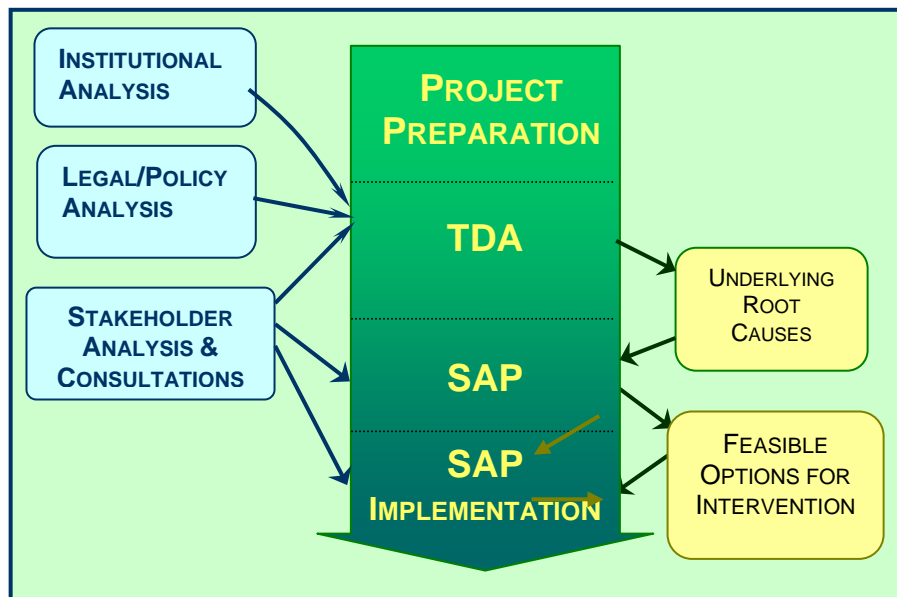
### **2.1 Links between the 3 Elements of Governance and the TDA**

Stakeholder analysis is linked with Institutional and Policy/Legal Analysis in a cyclic way.

First, the initial stakeholder consultation provides preliminary data on what are the main institutions to be studied. Then the governance analysts join in the formulation of their own questions for stakeholder questionnaires, so that they can probe more deeply and widely.

As the stakeholder analysis proceeds it feeds back information both for the governance analysts and for the technical/scientific analysts of the TDA.

Figure 1 shows how all three elements of governance analysis have to be taken into account at the start of the TDA, whilst the Stakeholder Consultation continues throughout the whole process.



**Figure 1 – The three elements of governance analysis**

The yellow boxes in this diagram also show that the governance inputs to the TDA provide a deeper understanding of underlying root causes which are to be considered in the SAP, and that the stakeholder consultation is also a factor in the definition of feasible options which go on to the SAP implementation.

The Institutional Analysis and the Legal/Policy Analysis have their own separate techniques and procedures, which will be discussed later, but they also share joint governance events such as **Governance Analysis Workshops**, and they are integrated in a joint **Governance Report** which becomes part of the Draft TDA.

**More explanation of these links is given later in the module. If you would like to go further into this now, you may like to study Figure 2.7 and the accompanying text, on pages 39 - 44.**

### 2.1.1 Links between Causes

By identifying the key institutions and agents that have responsibility for addressing the issues that emerge from the TDA-SAP process, governance analysis also provides insights about the links between the underlying causes of failings. As well as identifying **constraints** and barriers to effective action, **opportunities** will also be identified within the existing structures and systems.

Indeed, governance issues often emerge as cross-cutting causes that are involved in a number of identified problems. Some examples of this are given in Table 2.1.

**Table 1 - Comparative Table of Institutional Constraints Identified in Several TDAs**

<b>BENGUELA</b>	<b>BERMEJO</b>	<b>BLACK SEA</b>	<b>CASPIAN 2002</b>	<b>LAKE TANGANYIKA</b>	<b>MEDITERRANEAN</b>
Poor legal framework at the regional and national levels	Inadequate political, legal and institutional framework	Poor legal framework at the regional and national level	Inappropriate regional agreements plans & measures	Lack of appropriate regulations for Lake Tanganyika	Inadequate legal & institutional framework
Inadequate implementation of available regulatory instruments		Inadequate implementation of available regulatory instruments	Poor law enforcement & compliance	Poor enforcement of existing regulations	
Inadequate planning at all levels	Poor planning and coordination between and within jurisdictions	Inadequate planning at all levels	Inadequate development planning		Inadequate planning & management at all levels
Insufficient public involvement	Insufficient knowledge, commitment & community participation & failure to encourage such participation	Insufficient public involvement	Underdeveloped civil society & inadequate awareness		Insufficient involvement of stakeholders
Inadequate financial mechanisms & support	Inadequate financing and support mechanisms	Inadequate financial mechanisms & support	Inadequate pricing policies inadequate finances	Lack of resources	Inadequate financial mechanisms & support

### 2.1.2 Governance is ...

Here are some quotations of other people's views.

Governance is the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. (UNDP, 2001)

Governance comprises the traditions, institutions, and processes that determine how power is exercised, how citizens are given a voice, and how decisions are made on issues of public concern. (Institute on Governance, 2003)

The concept of governance ... encompasses laws, regulations, and institutions, but it also relates to government policies and actions, to domestic activities, and to networks of influence, including international market forces, the private sector and civil society. (Global Water Partnership, 2003)

## 2.2 Governance Analysis in the TDA-SAP Process

As with the other elements of a TDA/SAP, there is no agreed blue-print for governance analysis. Many organizations work on the development of governance indicators, but their analysis will always reflect the cultural, political and social structure of the countries where it is being carried out. It is widely agreed, however, that...

... governance analysis serves as a reality-check  
for TDA options and proposed SAP interventions.

The importance of governance analysis in the TDA-SAP process is explained as follows:

- ⑨ Consultation with all stakeholders is a principle which dominates the whole TDA/SAP process. A well structured and thorough stakeholder analysis ensures that the TDA builds upon the experience, expertise and needs of those affected, and gains their support.
- ⑨ Governance encompasses not only government departments and regulatory agencies, but also non-governmental organisations (NGOs), such as environmental groups and trade groups and resident communities (the 'public').
- ⑨ A thorough understanding of policy and institutional frameworks (including budgetary) provides the SAP elaboration process with crucial information that will enable it to build upon existing programmes and initiatives, and set the base for mainstreaming<sup>1</sup> interventions.
- ⑨ A working understanding of current development plans and policies (sub-national, sectoral, national and regional), as well as of institutional capacity and resources, enables the SAP elaboration process to keep its feet on the ground.
- ⑨ It facilitates involvement and feedback from institutional and organizational actors throughout TDA-SAP development.
- ⑨ Programme support elements for SAP implementation, such as administrative and management needs (e.g. structures, capacity building, information networks, training), are identified early.

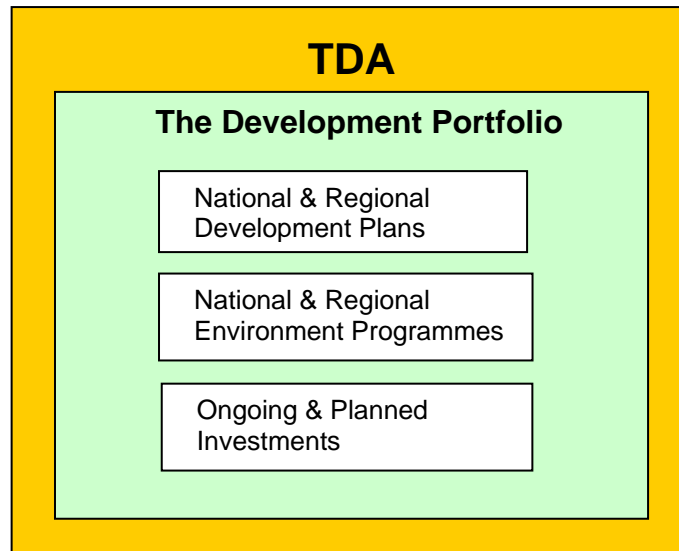
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<sup>1</sup> Mainstreaming refers to new or proposed initiatives that are incorporated into existing frameworks and priorities, in order to avoid fragmentation or duplication, and to heighten possibilities for success.



### 2.2.1 Time-scales and the Development Portfolio

Because investment project cycles are generally very long, the TDA must take into account current development portfolios. As an integral part of the TDA there has to be a complete assessment of relevant projects, programmes and investments that have been approved or are in the pipeline for the forthcoming decade.



### 2.2.2 The Level of Intervention

One conclusion from governance analysis is that the higher in the causal chain that an intervention is made, the greater is the probability of effectiveness and the more likely that fundamental and positive change is engendered (Bewers, 2003<sup>2</sup>).

### 2.2.3 How is Governance Analysis done?

A governance analysis should be carried out by a group of independent experts (the GA Team). A good option is an independent research centre or NGO with expertise in at least some of the relevant areas. Given that work will take place largely at the national level, mechanisms for ensuring a thorough analysis of the regional dimension are necessary. The Technical Task Team (TTT) must supervise work in this area carefully, to ensure coordination of the time-frames and development themes among the various countries.

Because an assessment of a country's social structure is partly subjective, the analysts must have sufficient knowledge and sensitivity to weigh and gauge the subtler, informal aspects of the political, social, and cultural contexts and dynamics. Local knowledge and perception are key. This is discussed again later in the module.

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<sup>2</sup> Bewers, J. M., Initial Review of existing TDA Guidelines for the Identification of Components Warranting Specific Evaluation from User Perspectives, See Course CD ROM for details.

## Self-assessment Test 6.1

Before reading any further you may like to check your understanding by answering the following four questions. The correct answers are found at the end of this module.

1. Here are three of the four main aspects of the social and political relationships which must be included in governance analysis. Can you name the fourth aspect:

- legislative and regulatory frameworks
- decision-making processes
- electoral processes & representation systems

Answer: .....

2. Complete the following sentences by filling in the missing words

- a. A fundamental premise of governance is that not all public policy issues can be solved by ....., and that power is also exercised by ..... and .....
- b. Whilst all three elements of governance have to be taken into account at the start of the TDA, the ..... continues throughout the process.
- c. As well as gaining a good understanding of institutional capacity and resources, the SAP elaboration process must also discover the current ..... at regional, national and ..... levels.

3. In Table 1 five examples of Main Root Causes were found in many projects. Here are three of them. Can you name the other two in your own words, without looking at the table?

- Poor legal framework
- Inadequate development planning
- Inadequate financing

Answer: .....  
.....

4. Indicate whether each of the following statement is true or false:

True / False?

A	Governance is the exercise of economic, political and administrative authority to manage a country's affairs at the highest level.	
B	Governance analysis is primarily concerned with the building of institutional capability and regulatory frameworks which ensure improved environmental performance.	
C	Governance analysis includes a study of laws, institutional relations, market forces and networks of influence.	
D	The TDA process relies on governance analysis for discovering the underlying socio-economic causes for transboundary issues and their possible solutions.	

**Correct answers are given in the pink pages  
at the end of this module.**

### **3. Stakeholder Consultation**

International conventions recognise the basic right of all people to a healthy environment, and the need for authorities to provide fair and open decision-making processes, with access to information and redress.

#### **3.1 The Crucial Role of Stakeholders in the TDA/SAP Process**

To be objective in analysis and effective in solutions, the TDA/SAP process must create a shared vision in which stakeholders are:

- ⑨ independently identified
- ⑨ fully involved in the TDA
- ⑨ fully consulted throughout the SAP process.

Only in this way will a consensus be built. Of course, not all solutions may be acceptable to all parties, but it is imperative that those that are adopted should reflect a rigorous social assessment, and be subjected to open and transparent stakeholder consultation.

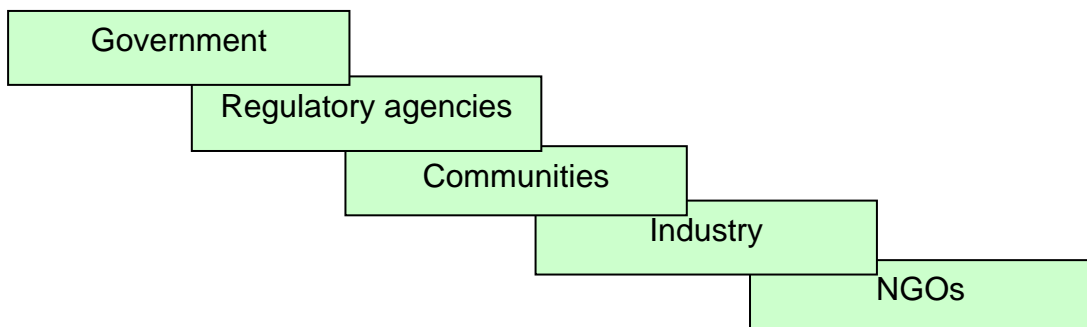
Stakeholder participation is therefore an integral part of the process from inception through to the final SAP implementation. It is not something to be 'bolted on' at a later stage. Failure to ensure this involvement will diminish the value and potentially de-rail the entire TDA/SAP process.

**.....stakeholders will be happy to contribute to the diagnosis and planning process if they see that their objectives are met and taken into account.**

**TDA PPA Consultant**

#### **3.2 Who are stakeholders?**

Stakeholders are any party that is involved in or affected by an environmental problem or its solution. Consequently, a wide range of stakeholders are involved in a typical TDA/SAP process.



Stakeholders can be divided into three broad categories:

**Government institutions** – central and local government as well as municipal bodies. Central government stakeholders encompass Ministries such as fisheries, environment, tourism, transport, energy.

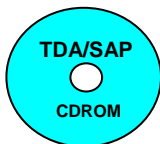
Local governmental stakeholders are usually local policy makers in environmental matters, often key actors in the control of possible damage to the environment; for example, city sewage, planning and construction work.

**Business (public and private)** - This includes anything from a hotel chain to an oil and gas exploration company. Sectors commonly involved are fishing, aquaculture and mining. Businesses may be privately owned and operated, fully owned and controlled by the governments, or have shared ownerships. Associated organisations, such as trade organisations or chambers of commerce are also included.

**NGOs / Citizens-Based Organisations** - this group is by far the most diverse. It includes non-governmental organizations, community organizations, research institutions, schools, media channels, international donor agencies, concerned individuals and, in some cases, religious institutions.

NGOs focus not only on such issues as environment and human rights, but can also act as advocates for specific interest groups, such as oil or logging companies.

### 3.2.1 Examples of Stakeholder Lists



The following examples of stakeholder lists can be consulted on the course CDROM. Go to the folder 'Case Studies' and select the sub-folder either 'Benguela' or 'Bermejo'.

#### **Benguela Current Large Marine Ecosystem TDA**

- List of Persons Consulted (Appendix III) p157
- Stakeholders (Annex N) p169

#### **Strategic Action Programme for the Binational Basin of the Bermejo River (Annex I) p44.**

- Government Agencies Responsible for Managing Water and Other Natural Resources in the Rio Bermejo Basin
- Non-Governmental Organizations Undertaking Activities in the Rio Bermejo Basin
- Summarized List of Institutions that have Participated either Directly or Indirectly in the Formulation of the SAP

### 3.3 Guiding principles of stakeholder involvement

The TDA/SAP process should...

#### **Clarity**

Be administered so as to be easily understood by all stakeholders.

#### **Respect**

Be conducted in a manner that demonstrates respect for all stakeholders by:

- Respecting diverse cultures, perspectives, values, and interests.
- Recognizing the right of individuals to participate in decisions that affect them.
- Interacting with all stakeholders honestly, openly, and ethically.
- Seeking to bridge differences.
- Acknowledging stakeholders' professional codes of practice.
- Adhering to commitments and protocols agreed upon for the process.

#### **Commitment**

Demonstrate commitment to stakeholder involvement by:

- Incorporating input from all participants.
- Following through on commitments made during the process.
- Maintaining a constructive, problem solving focus.

#### **Timeliness**

Demonstrate that time is a valuable and limited resource by:

- Sharing information early and often in order to assist all stakeholders to prepare and to act knowledgeably.
- Providing early and adequate notice of opportunities for involvement.
- Negotiating, where possible, appropriate timelines for all stakeholders.
- Establishing and adhering to realistic deadlines.
- Responding in a timely fashion to questions and requests.

#### **Communication**

Be based upon effective communication which fosters understanding through:

- Careful listening;

- Honest and open explanations;
- Use of plain language;
- The timely exchange of information.

### **Responsiveness**

Demonstrate responsiveness by:

- Recognizing that stakeholder involvement is a dynamic process.
- Building flexibility into the process from the beginning.
- Designing and using feed-back mechanisms.
- Evaluating and modifying the process on an on-going basis.

### **Accountability**

Demonstrate accountability by:

- Encouraging stakeholder representatives to solicit input from their members, and to communicate progress and decisions regularly.
- Providing all information in writing and in advance of formal hearings.

### **3.3.1 The importance of cultural factors in engaging stakeholders**

By their nature, TDA/SAP programmes cross national and cultural boundaries, so it is crucially important to recognise the different political structures and the different history of involvement of stakeholders in the political process.

In some countries, NGOs are viewed by the establishment as adversaries and subversives and there is a consequent lack of trust between governmental and public stakeholders. This can be a major impediment to a TDA/SAP programme. The project management team must therefore be sensitive to the indigenous culture of the participants, and adapt their strategies accordingly.

### **3.3.2 Local Focal Point**

There must be someone in place locally to act as a focal point for communicating with the local stakeholders, increasing their involvement and providing feedback.

## **4. Institutional analysis and policy/legal analysis**

### **4.1 Institutional analysis**

The other two elements of Governance Analysis – Institutional Analysis and Policy/Legal Analysis – are inherently linked. Also they are tools of the TDA process, not an end in themselves. The end product should be a concise integrated assessment that is incorporated into the TDA, and that is user-friendly and jargon-free. Policy also includes economic policies such as subsidies.

The analysis takes place at two levels:

1. **Static analysis:** a description of the political, institutional, and social structures and systems, at the national and regional levels.
2. **Dynamic analysis:** a diagnosis of institutional dynamics and of specific governance failings, that are identified in the causal chain analysis as underlying root causes.

Institutional analysis in the TDA centres on key institutions or organizations that either have **direct mandates** for environmental management or whose activities have **environmental impacts** (especially sectoral line agencies). Crucially, it is not limited to government agencies, but includes private sector organisations, community-based organisations, academic and research institutions.

Both formal and informal actors must be included – for example:

- small community or tribal organizations;
- groups that coalesce around a specific issue or problem.

The institutional analysis should use the relevant sectors as referents throughout. The sectoral bias that characterises society can constitute barriers and constraints to effective environmental governance. Overall, sectoral analysis will help translate TDA findings into potential SAP initiatives.

#### **4.1.1 Overview (Static Analysis)**

An institutional analysis starts out with an overview of the **political structure** of the countries involved – more or less akin to a photograph. It looks at the form of government, the balance between the different branches, and characteristics of each, taking into account the relative importance of environmental matters.

It should review issues such as:

- Relations between political forces;
- Planned government or state reforms;
- Forthcoming elections – these are important to consider for the SAP endorsement;
- Political relations between participating countries.



The formal aspect of government which this overview researches, is often termed 'static analysis'.

#### 4.1.2 Institutional Analysis in the Causal Chain Exercise (Dynamic Analysis)

This assessment will try to go beyond the purely formal information to delve into what makes a government "tick".

The objective is to develop an institutional map that describes **as many key** linkages and relationships as possible among the various actors. Often information and linkages will be informal, and therefore much harder to come by. Later in this module, methodologies of various possible approaches are outlined.

Given that this analysis is a TDA tool, but not an objective, there is a need for selection and prioritising. Circumstances will vary, but a basic institutional analysis will focus on the main or "obvious" institutions and organisations that are relevant to environmental management, as well as key sectoral agencies. The analysis will zoom-in on particularly pivotal points or relations, which are either identified by the GA team or through the causal chain exercise.

A basic assessment has to be made of the strengths and weaknesses of key institutions. Identified needs and gaps will feed into the causal chain exercise, so that when actual SAP implementation begins, the requisite programme support elements may be developed in parallel. Issues such as the following should be evaluated:

- Need for clarification of **agency mandates**
- Areas that require **institutional reform** or **strengthening**
- Need for better intra and inter-sectoral **coordination**
- Potential areas for **increased cooperation** between institutions in order to catalyse resources, expertise, and funding.
- Need for **capacity building**
- Ability to **manage resources** effectively
- Ability to **formulate, implement, enforce and monitor** relevant policies and regulations

Bear in mind that government and its institutions are not monolithic. Even within a single government agency there can be conflicting priorities and interests. Table 2 provides an indication of the type of questions that need to be asked.

#### **The Private Sector**

**The SAP will require participation and investment by the private sector. Therefore, a brief review of whether or not a country has an adequate enabling environment for the private sector is valuable.**

**Table 2 - Macro Institutional Aspects**

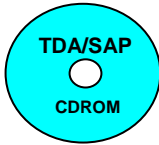
<b>Structure of Government</b>	<ul style="list-style-type: none"> <li>▪ What is the basic structure between national, sub-national and local levels?</li> <li>▪ If decentralised, to what degree?</li> <li>▪ How much authority and autonomy (administrative, financial, decision-making) do local units of government have?</li> </ul>
<b>Key Actors &amp; Institutions</b>	<ul style="list-style-type: none"> <li>▪ Who wields real power?</li> <li>▪ Who can effectively mediate and coordinate between various institutions? Which ones?</li> <li>▪ What institutions have greater institutional capacity?</li> <li>▪ What are the weaknesses of relevant institutions?</li> <li>▪ What are the informal 'rules of the game' of key institutions?</li> </ul>
<b>Agency Cooperation</b>	<ul style="list-style-type: none"> <li>▪ Assessment of intra and inter-line agency cooperation and coordination</li> <li>▪ Identification of jurisdictional gaps, fragmentation and overlaps</li> <li>▪ Assessment of the relationship between the various levels of government, from higher administrative levels to local authorities</li> <li>▪ Description of relations between government institutions and social organizations with regards to i) overall policy and tendencies, and ii) specific agencies that are particularly relevant (e.g. key sectoral organisations)</li> </ul>
<b>Decision-making Processes</b>	<ul style="list-style-type: none"> <li>▪ Are they largely sectoral, or are there spaces for inter-sectoral discussion and decision-taking?</li> <li>▪ Are they clear, open and based on policy-relevant information? How participatory?</li> <li>▪ What is the relative importance of informal decision making? Where does the 'real' power reside?</li> <li>▪ How have balances tended to be struck between environmental imperatives and sectoral interests?</li> <li>▪ Where are decisions on finances taken?</li> </ul>
<b>Finances</b>	<ul style="list-style-type: none"> <li>▪ How are budgets allocated? What are budget processes like?</li> <li>▪ Which institutions have the strongest say in budgetary allocation?</li> <li>▪ Are there mechanisms in place to ensure accountability? If not, is this considered an important issue?</li> </ul>

**The Regional Level:** A **comparative** institutional mapping exercise should also be undertaken at a regional level. This is particularly important as even neighbouring countries are often unfamiliar with each other's institutional and legal frameworks.

This exercise will also review existing multinational institutional arrangements. Priorities and actions which have already been established, and which will orient the eventual SAP, must

also be incorporated into the TDA. The same types of issues outlined above are applicable to the regional analysis.

**What it is not:** Institutional mapping is thus not just a mere identification and listing of relevant institutions and their attributes (no matter how comprehensive). It is much wider than that.



You may like to see how the institutional analysis was linked to the causal chain exercise in the Benguela Current TDA (Benguela folder on the CD ROM).

## 4.2 Legal / Policy Analysis

Information will also be needed on existing policy, legal, economic, and regulatory frameworks, both national and regional.

This should be a thorough overview of relevant instruments, with special emphasis on their actual implementation, compliance and enforcement. Since the SAP will largely be implemented within the existing policy frameworks, constraints and obstacles should also be identified. This is because even if the TDA identifies areas where legal/policy reform is needed, it is not feasible to call for a complete overhaul of existing legal/policy frameworks.

The aim of the study is to provide bases for recommending policy and legal reforms. A comprehensive overview will make it simpler to identify and build up linkages between the TDA-SAP process and existing development and environment plans. This assessment will naturally be matched to the corresponding one for institutional analysis.

Many countries have “green” constitutions and comprehensive legislative frameworks that address a broad range of environment issues. But these often suffer from poor levels of compliance and enforcement.

A good example is national protected areas or parks. On paper, a country may have established protected areas that promise to protect key ecosystems and biodiversity. On the ground, the reality is often very different. The parks are poorly demarcated, understaffed, and under significant stress from illegal resource extraction.

These so-called “paper parks” may reflect a more generalized problem of the implementation of legal and policy frameworks.

The legal/policy analysis will include governmental and non-governmental responses to environmental management and protection. The latter include, for example, community practices or initiatives (e.g. sustainable patterns of land use or resource exploitation) and private sector schemes (e.g. voluntary codes of conduct).

**Macro Policy Issues include:**

- Nature of property rights and types of property rights regimes
- Subsidy arrangements
- National and regional investment policies
- Land use practices and policies
- Water rights
- Water quality regulations

As with the institutional analysis discussed above, the legal/policy analysis should be at two levels: Static and Dynamic.

#### 4.2.1 Overview (Static Analysis)

The legal and policy analysis will provide the TTT with strong background information both for the joint TDA fact-finding exercise and the SAP. Key elements to be included in this analysis are:

- existing national **development** plans/strategies
- national **environmental** strategies/plans such as, for example, biodiversity strategies
- relevant **investments**.

Selected priorities for action and for policy development contained in these initiatives should be described. As is the case with the institutional analysis, this is the formal aspect of policy frameworks. These constitute the basis that the SAP will have to build upon and mainstream into.

It is essential to describe how a given policy/legal instrument has defined the problem that it purports to address. This is because a similar problem may be identified in the TDA, but its nature understood in a completely different way.

In that case it would be necessary to identify obstacles to adapting or reforming the policy/legal framework.

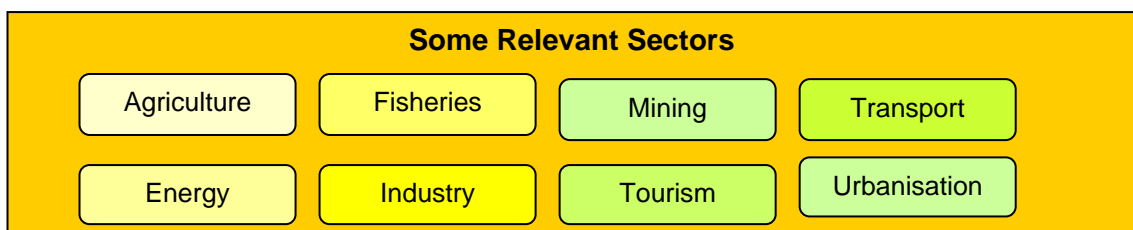
National legal experts on the GA Team will need to review key instruments and provide a succinct summary of their historical evolution and tendencies. This will be important for the causal chain exercise in order to avoid falling into the trap of finding solutions that have already been tried – and failed, or identifying solutions that go against the grain of government priorities. Crucially the regional dimension must also be taken into account.

**Basic issues that need to be looked at:**

- Are policy-making processes largely sectoral, or is there room for inter-sectoral discussion and decision-taking?
- Are they clear, open and based on relevant information?
- Are they consultative? Are efforts made to conciliate different interests?
- Is there conflict between any sectoral policies and laws?
- What are the environmental impacts of sectoral policies?
- Are there any so-called “perverse” policies?
- Are there any jurisdictional overlaps?
- Have the priorities of development priorities been set?
- Has priority been given to controlling/remediating environmental impacts over strategies for preventing environmental impacts, or vice versa?
- What are the impacts of the relevant policies?
- Is there a need for harmonisation of legislation, national or regional?
- Is there effective compliance with, and enforcement of, legislation and regulations?

**Sectoral Analysis**

As well as policies and legislation specifically directed at the environment, sectoral policies that have significant environmental impacts must be reviewed. The causal chains will identify such sectoral decisions and developments. But the relevant sectoral legislation and policy frameworks need to be integrated, in order to understand why specific policies have developed in a particular way, and to gauge opportunities for change.



**4.2.2 Integrating the Policy/legal Analysis into the Causal Chain Exercise (Dynamic Analysis)**

It is not within the scope of the TDA to analyse the whole of environmental and sectoral public policy. However, the causal chain exercise will identify underlying root causes, especially related to resource uses and practices, which correspond to policy/legal failures. These will require a more in-depth analysis. During final drafting of the TDA, the formal policy/legal overview (static analysis) will be integrated with these more focused and detailed analyses (dynamic analysis).

In analysing policies and legislation that correspond to specific environmental issues identified in the causal chains, you should look at two aspects:

### **Policy content and implementation**

A checklist of questions is given in Table 3.

### **Compliance and Enforcement**

Policies and legislation can fail, or be ineffectively implemented, for a variety of reasons. In the framework of the TDA, it is vital to understand and document these reasons. A checklist of possible reasons is given in Table 4.

### **The Regional Level**

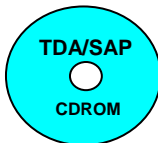
Effective management of shared water resources and ecosystems will require the harmonisation and development of a common policy and legal framework. An analysis of factors that can assist or create obstacles in this is a key input for the TDA.

As with institutional analysis, a **comparative** analysis is needed of how policy/legal frameworks in the region differ.

At the national level, there is often little knowledge of the frameworks that operate in neighbouring countries. But integrated institutional arrangements for shared basins or marine areas cannot be developed without a thorough understanding of the gaps, and jurisdictional differences between countries. There may also be synergies between country frameworks which have a positive effect.

At the regional level, relevant instruments such as conventions, treaties or agreements must also be reviewed and analysed, to assess whether they are effective as a basis for cooperative environmental management. Similarly, relevant global instruments that the countries are Parties to should be included.

**What it is not.** A policy analysis is not a listing (again, no matter how comprehensive) of all relevant legal, regulatory and policy frameworks.



The TDA in the Benguela Current folder on the CDROM also covers the links between legal/policy analysis and the causal chain

**Table 3 – Checklist: General Policy Content and Implementation**

A. Policy Level	<ul style="list-style-type: none"> <li><input type="checkbox"/> At what level has it been developed? (e.g. national/federal law, municipal regulation, sectoral voluntary code of conduct)</li> <li><input type="checkbox"/> What is the relevant government agency or institution responsible for its formulation, implementation and evaluation?</li> <li><input type="checkbox"/> Is it structurally coherent in terms of the larger body of legislation and policy into which it fits?</li> </ul>
B. Policy Content	<ul style="list-style-type: none"> <li><input type="checkbox"/> Has the nature of problem been properly defined? Is the cause of the problem addressed? Does it coincide with the TDA analysis?</li> <li><input type="checkbox"/> What are the concrete objectives? Have indicators been defined?</li> <li><input type="checkbox"/> How are these to be achieved? (Tools and mechanisms)</li> <li><input type="checkbox"/> When are these to be implemented by? (Timeframe)</li> <li><input type="checkbox"/> With what financial resources? (Quantities, sources)</li> <li><input type="checkbox"/> With what institutional/administrative capacity? (Personnel, coordination, capacity building)</li> <li><input type="checkbox"/> With whom? (Participation/consultation with affected sectors, communities?)</li> <li><input type="checkbox"/> Is it textually coherent so that its objectives and implementation modalities are clear and deliverable? (Textual certainty)</li> </ul>
C. Policy Implementation	<ul style="list-style-type: none"> <li><input type="checkbox"/> Level of implementation: only on paper? Have actions/measures been taken?</li> <li><input type="checkbox"/> Negative impact: Does it have unintended environmental consequences?</li> <li><input type="checkbox"/> Rhythm: is the policy response adequate or is the problem progressing faster than the responses?</li> <li><input type="checkbox"/> Adaptation: do the means correspond to the ends (objectives)? Is it outdated?</li> <li><input type="checkbox"/> Flexibility: are emerging problems or impacts being identified and responded to?</li> <li><input type="checkbox"/> Fulfilment: are the stated objectives being fulfilled in the allotted timeframe?</li> <li><input type="checkbox"/> Resources: are the requisite human, institutional and budgetary resources available?</li> <li><input type="checkbox"/> Continuity: is there continuity and coherence in the implementation phases?</li> <li><input type="checkbox"/> Coordination: is there coherence with related policies, or can gaps and/or overlaps be identified? Are there cross-sectoral linkages?</li> <li><input type="checkbox"/> Contradictions: have other policies been identified that are at cross-purposes with a given policy? Are there cross-sectoral contradictions?</li> </ul>
D. Policy Outcomes	<ul style="list-style-type: none"> <li><input type="checkbox"/> Has the policy effectively contributed to solving the problem?</li> <li><input type="checkbox"/> What is the public perception of the policy outcomes?</li> </ul>
E. Monitoring & Evaluation	<ul style="list-style-type: none"> <li><input type="checkbox"/> Have criteria/indicators been developed for M&amp;E?</li> <li><input type="checkbox"/> What institution is tasked with M&amp;E?</li> <li><input type="checkbox"/> Are there sufficient/adequate resources for M&amp;E?</li> </ul>

**Table 4 - Examples of Reasons for Lack of Effective Enforcement**

<b>Problem formulation</b>	Legal or policy instrument does not adequately define the nature of the problem, or the modalities for implementation.
<b>Lack of monitoring or available data</b>	Although emission standards have been set no monitoring or data collection is taking place.
<b>Lack of scientific / technical capacity</b>	For example, insufficient or inadequately trained staff, insufficient or outdated equipment.
<b>Lack of resources</b>	For example, for capacity building and training, equipment, monitoring.
<b>Abuse of influence</b>	For example, corruption.
<b>Lack of transparency</b>	For example, in an agency's operations
<b>Lack of enforcement powers</b>	Existing legal instruments do not grant relevant agencies the necessary mandate for enforcement actions

### 4.3 An Example of Governance Analysis in a TDA

One of the projects that has carried out a detailed governance analysis is that for the Dnipro Basin TDA. It exemplifies a sound approach that delivers at two levels: it provides a comprehensive understanding of the overall political, legal and policy framework of the respective countries, and a good degree of detail with regards to specific aspects that need to be addressed. It is, however, lacking in terms of a more detailed comparative assessment of country-specific frameworks.

Table 5 gives a brief outline of the approach used.



If you want to study this example in more detail, you will find it on the course CDROM in the folder 'Dnipro'.



**Table 5 – Governance Analysis in the Dnipro Basin TDA**

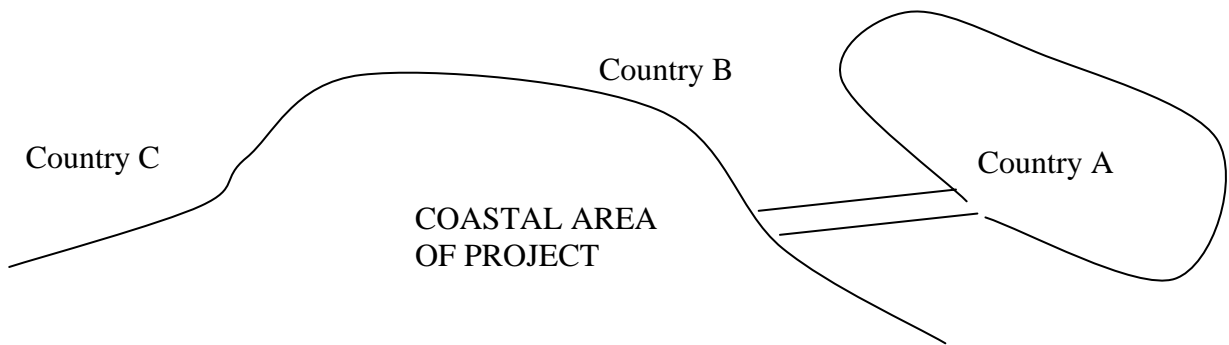
<ol style="list-style-type: none"><li>1. Political Map of the Dnipro Basin<ul style="list-style-type: none"><li><input type="checkbox"/> type of government</li><li><input type="checkbox"/> government importance attached to environmental issues and natural resource management - at the national and regional levels</li></ul></li><li>2. National Environmental Strategies adopted by the Riparian Countries<ul style="list-style-type: none"><li><input type="checkbox"/> description of overall objectives</li><li><input type="checkbox"/> policy priorities &amp; main principles</li><li><input type="checkbox"/> identification of major threats, problems, impacts</li></ul></li><li>3. National Environment Programmes<ul style="list-style-type: none"><li><input type="checkbox"/> relevant on-going programmes</li></ul></li><li>4. Key Areas of National Environment Policy Development<ul style="list-style-type: none"><li><input type="checkbox"/> description of frameworks for implementing sustainable development strategies</li><li><input type="checkbox"/> programmatic priorities</li></ul></li><li>5. Institutional Frameworks of Environmental Protection and Management in the Riparian Countries<ul style="list-style-type: none"><li><input type="checkbox"/> main institutions and their structure</li><li><input type="checkbox"/> identification of some institutional weaknesses</li></ul></li><li>6. Environmental Legislation of the Riparian Countries of the Dnipro Basin<ul style="list-style-type: none"><li><input type="checkbox"/> basic comparison of national legislations</li><li><input type="checkbox"/> outline of key legislation/policies</li><li><input type="checkbox"/> basic identification of some gaps and overlaps, harmonisation requirements</li></ul></li><li>7. Water Quality Regulations<ul style="list-style-type: none"><li><input type="checkbox"/> scope and general characteristics</li><li><input type="checkbox"/> identification of main failings</li></ul></li><li>8. Legal Framework for International Cooperation in the Dnipro Basin<ul style="list-style-type: none"><li><input type="checkbox"/> existing regional instruments and arrangements</li><li><input type="checkbox"/> agreed policy objectives</li></ul></li><li>9. The Need for Further Development of Environmental Legislation in the Riparian Countries<ul style="list-style-type: none"><li><input type="checkbox"/> assessment of main problems related to current legislative frameworks at the national level in the three countries</li></ul></li></ol>
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### Self-assessment Test 6.2

Here are some further questions to check your understanding. The correct answers are found at the end of this module.

1. Consider the following hypothetical situation.

A transboundary project is being designed to tackle environmental problems for the following coastal waters. Country A is a landlocked mountainous country that has an internationally agreed corridor of access to a Country A seaport, where there are dedicated transit sheds, berth facilities, and a small commercial zone:



You are visiting country A to design the stakeholder analysis. Apart from the relevant Government Ministries, what could be the other classes of stakeholder that you would contact in country A?

Answer:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

2. Indicate whether each of the following statement is true or false:

		True / False?
A	Stakeholder involvement is an open procedure which cannot be fixed at any particular point in the project.	
B	It is important to establish standard methods of communication with all stakeholder groups.	
C	Special care needs to be taken to compensate for the lack of trust which may exist between public and private stakeholders.	
D	Institutional analysis is concerned with entities that either have direct mandates in environmental management or who are directly affected by the environmental impacts.	
E	It is not necessary for the institutional analysis to examine the structure of small community are tribal organisations.	
F	The causal chain exercise will help the governance analysis team to identify pivotal relationships in the institutional analysis.	
G	One of the first priorities in the institutional analysis is to clarify agency mandates.	
H	When analysing the Key Actors & Institutions, the primary point to establish is what the weaknesses of relevant institutions are.	
I	Institutional mapping consists of the detailed identification of relevant institutions and the systematic listing of their attributes.	

3. Please describe in your own words what is meant by a ‘paper park’

Answer: .....  
 .....  
 .....

4. Place the following four statements in the order in which you feel they are accurate and important.

**Institutional Analysis and Legal/Policy Analysis...**

- a. ...contribute to the TDA by providing additional evidence of socio-economic policy failures.
- b. ...are integral parts of the TDA causal chain analysis.
- c. ...feed into the TDA drafting a deeper understanding of the root causes of environmental issues.

- d. ...explore the causes and effects of environmental policy failures and suggest their possible solutions.

Answer: 1<sup>st</sup> ....      2<sup>nd</sup> ....      3<sup>rd</sup> ....      4<sup>th</sup> ....

**Correct answers are given in the pink pages  
at the end of this module.**

## **5. The Organisation of Governance Analysis**

So far, we have been discussing the aims and principles of the three components of governance analysis (stakeholder participation, institutional analysis & policy/legal analysis). It is now time to look at how the work is done.

First, recall that governance analyses should be carried out by a group of independent experts (the GA Team) for which a good option is an independent research centre or NGO with expertise in key areas.

Given that work will take place largely at the national level, mechanisms are needed to ensure a thorough analysis of the regional dimension. The TTT must supervise work in this area carefully, to ensure coordination of activities, timeframes and thematic development among the various countries, for all three GA components.

There are close parallels in the development of these three components, and synergies between them that should be exploited. You will remember that the stakeholder identification and analysis are used to gather information on all three components of GA as well as for the scientific TDA fact-finding. This applies particularly to the interviews and questionnaires used for data collection.

The information on the different components are gathered at the same time, using the same instruments, but the information is used in different ways. For this reason, each component is discussed separately below. However, in order to understand the process, Figure 3 gives an overview of how the activities of the three elements of Governance Analysis are carried out in parallel and then integrated into the TDA.

### **5.1 Stakeholder analysis/consultation**

#### **5.1.1 The Key Stakeholder Activities**

From the initial identification of the problem, through the fact-finding phase, to the discussion of possible options and the agreement on quality objectives, all the stakeholders should be frequently consulted.

**The stakeholders should be formed into committees who choose the expert analysts, and take part in brainstorming of possible and practicable solutions.**

In addition, at certain key stages in the TDA/SAP process there are formal stakeholder consultations which are designed for specific purposes. You have seen these in the overall TDA/SAP block diagram used in Module 1. They are:

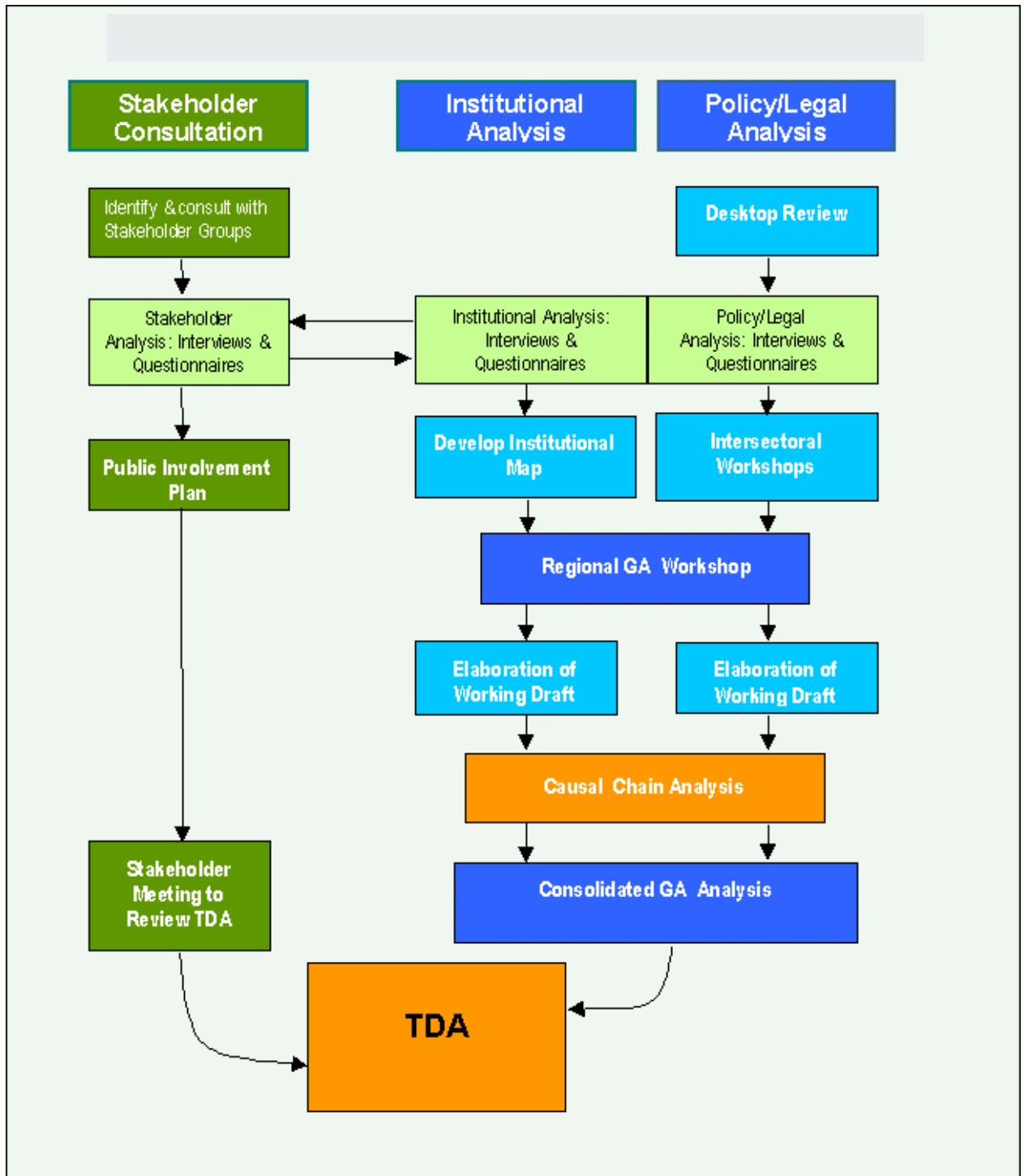


Figure 3 – Governance analysis overview

*During the preparatory phase:*

1. Identify and consult with stakeholder groups
2. Conduct Stakeholder Analysis and Power analysis
3. Prepare Public Involvement Plan (PIP)

*When the TDA report is in Draft:*

4. Hold Stakeholders meeting to review TDA

*When the SAP report is in Draft:*

5. Hold broad-based consultations to endorse the SAP.

### 5.1.2 Identify and consult with stakeholder groups

To recap, the stakeholder consultation solicits the opinions of the main stakeholder groups on the main transboundary issues in the region

The consultation is conducted through face-to-face interviews using open questions (see Figure 4 below). The facilitator visits the countries requesting project support and conducts interviews based upon an initial list supplied by the GEF focal points or the body initiating the proposal.

The use of one-to-one interviews is not the only approach. Other circumstances may dictate something different.



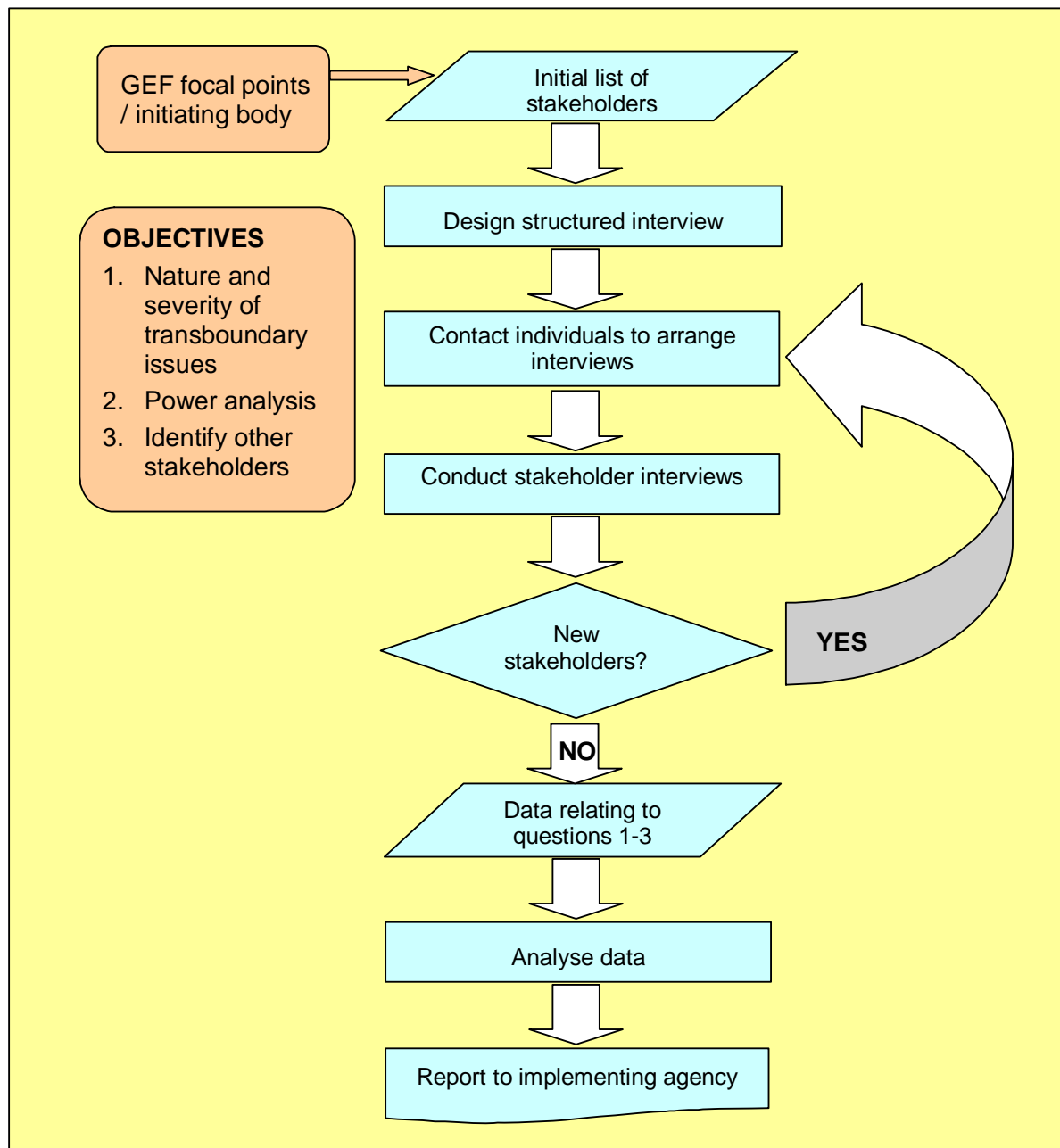
For example, the Benguela Current Large Marine Ecosystem Project (BCLME) carried out most of the consultation through workshops. In this case the TDA/SAP process was driven by the stakeholders from the region, in other words bottom-up, with no consultants driving the process. The TDA document in the Benguela folder also covers this.

Irrespective of how the initial consultation is conducted, this stage has three key objectives:

- i. To identify perceptions regarding the nature and severity of the problems (which feeds into the preliminary analysis of transboundary problems).
- ii. To identify the main persons with power to resolve the issues and problems (a 'power analysis').
- iii. To identify stakeholders not appearing on the initial list.

If during the interviews it appears that a stakeholder has been omitted, the facilitator must request access to them for the purpose of an additional interview. This is quite likely, because many initial approaches do not contain a good balance of stakeholders.

**Any omission of stakeholders is likely to create misunderstandings and resentments that may harm the implementation of the SAP.**



**Figure 4 – The initial stakeholder consultation process**

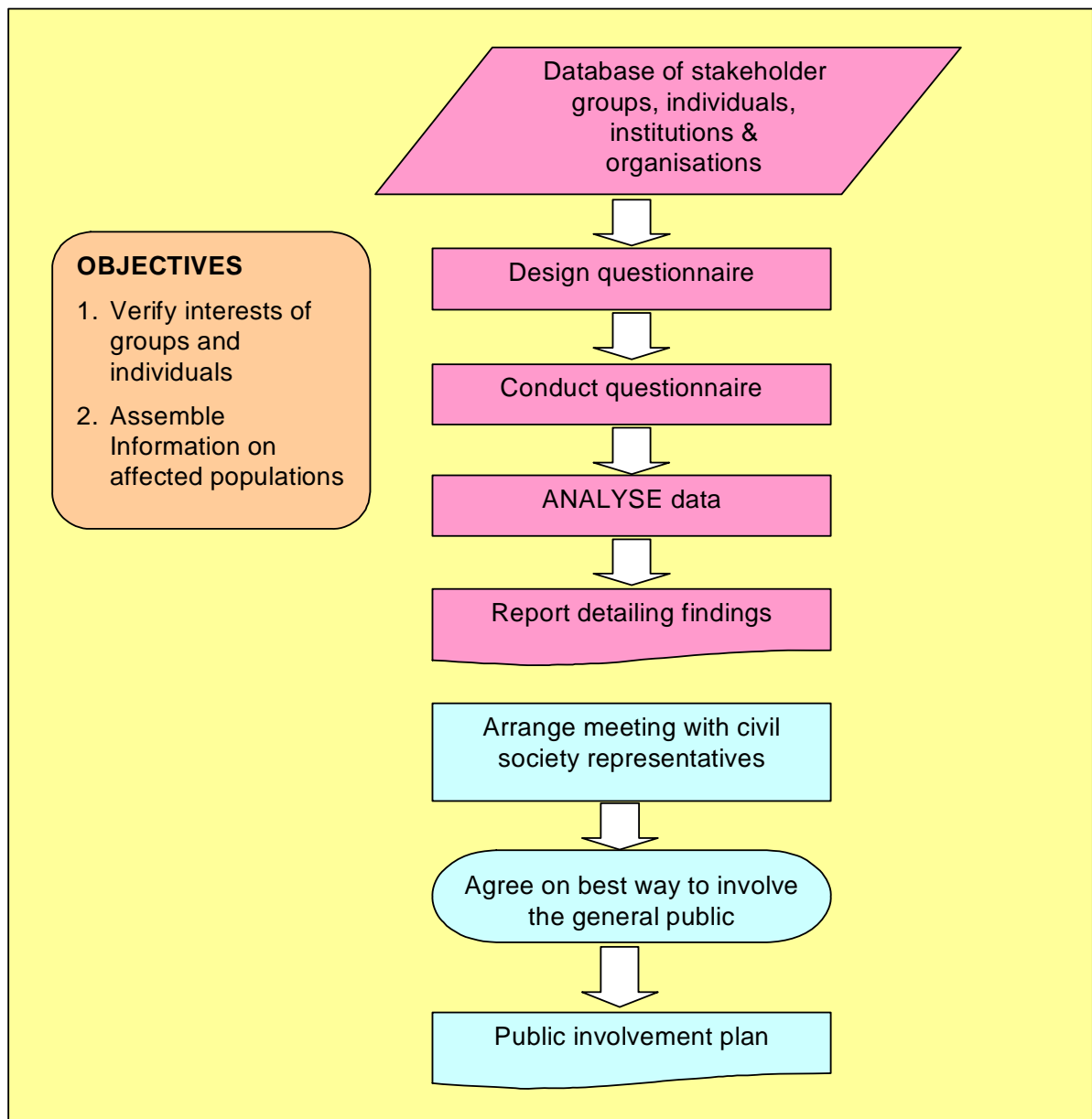
Having completed the interview process, the facilitator gives a report to the implementing agency, with suggestions on which stakeholders should be represented on the project technical task team (TTT).



### 5.1.3 Conduct Stakeholder Analysis

The stakeholder analysis is a prerequisite for formal project approval. Figure 5 summarises how it should be conducted. This is different from the initial consultation by the facilitator, as it tries to verify the **interest** of groups and individuals in the project concept.

The analysis should include information on the affected populations, and on the relevant organisations, ranging from the federal or central government down to the community-based organisations (CBOs) that will be reviewed in the institutional analysis.



**Figure 5 - Stakeholder Analysis and Public Participation**

The analysis is made on the basis of structured questionnaires distributed to organisations and individuals. The questionnaires are distributed to as many stakeholder (government and civil society) and public interest groups as possible and the results are analysed statistically.

It is important to have a substantial response if the results are to have statistical validity. The work can be conducted by an independent research group in the region.

In the Caspian region, the use of the Regional Stakeholder Analysis has allowed the experts to test their assumptions and to learn from the people who are most directly affected by the environmental issues of the Caspian. The Caspian waters are in need of attention, and coordination of efforts through a common understanding of the attitudes of the regional stakeholders will assist the Caspian Environment Programme to better serve those groups who have the biggest stake in the region - the people who live there.

*Mary Matthews, CEP*

### **Power Analysis**

This is an informal opinion survey, preferably carried out by a neutral NGO, which seeks to identify who are the real leading actors and decision-makers. It is a vital element in the Institutional Analysis, and enables the researcher to see behind the formal structures and discover where the real decision-making processes are. Power analysis is not always a straightforward process:

Power analysis' is difficult - all the more because often power can shift from one group of stakeholders to another. I find it more appropriate to try and identify 'champions' among the local stakeholders, persons who adhere to your objectives and goals, and who will help transfer the messages and reach out to the local stakeholders.

*TDA PPA Consultant*

### **5.1.4 Public Involvement Plan (PIP)**

The public participation plan describes the strategy chosen to build a system for participation of a large number of stakeholders in the process of assessment, management, protection and rehabilitation of the environment.

The PIP should be an annex to the project document. It can be formulated in a meeting of civil society representatives. The representatives meet with key members of the TTT and the facilitator to:

- learn about the TDA/SAP process;
- examine the project concept and stakeholder analysis;
- agree on the best means of involving the general public.

This dialogue represents another foundation stone in the stepwise consensus building process.

The strategy can be built around four main components, as follows:

**Communication:**

Provide relevant and accessible information to as many stakeholders as possible through a coherent and adaptive communication strategy. Specific actions could include:

- The preparation of a media kit for local, national and international journalists.
- An accessible website dedicated to the programme as well as an intranet to facilitate greater regional networking between targeted stakeholder groups.

**Demonstration of locally-developed initiatives:**

- Strengthen consultation and cooperation at the local or sub-national levels for demonstrating pilot solutions to pressing issues. Including:
  - Set up 'concern groups'
  - Establish a small grant facility to develop and implement locally-identified solutions.

**Regional networking and participation of stakeholders:**

- Enhance regional networking and inputs from stakeholder groups into the programme:
- Support the networking of regional local authorities.
- Establish a regional network of educators (at primary and secondary teaching levels)

**Capacity-building activities:**

- Enhance awareness and capacity of policy makers and targeted stakeholder groups:
- NGO capacity building using international NGOs
- Train officers in key ministries, from each country, in environmental management for policy makers.

### 5.1.5 Stakeholders meeting to review TDA

The review mechanism for the draft TDA should involve at least one meeting of the key stakeholders. It may include review by a wider audience according to the public involvement plan. For the stakeholder meetings, the draft executive summary should be made available in relevant languages. The graphical representation of the impacts and immediate causes should also prove very useful at this stage. Further, the production of a **public version** of the TDA should be encouraged.

### 5.1.6 National endorsement of SAP

Broad-based consultations with affected populations and stakeholders should be held to endorse the SAP. The regional draft SAP and appropriate NAPS should be endorsed in each participant country. This should be conducted under the auspices of the National Interministry Committee (NIC) but should also include wide consultation with stakeholders and civil society. The public involvement plan agreed at the start of the project should identify the pertinent mechanism for public consultation in each instance. The NIC should seek approval of the SAP at the highest possible level.

In the event of a major reservation on the SAP (which is unlikely if full consultations are maintained throughout its development), the Steering Committee should decide whether or not to amend the draft and submit it for additional consultations/endorsement.

**Many initial approaches do not contain a balance of stakeholders. It is important to rectify this from the outset, as any significant omission of stakeholders will create misunderstandings and resentments that may result in a SAP of little implementation value.**

## Exercise 6.1 - Stakeholder Identification and Consultation

Please try to complete this individual exercise, and send your answer to your tutor for comments.

Reports from three real TDA/SAP projects have been chosen for this exercise:

- A. Guarani Aquifer System
- B. Benguela Current Large Marine Ecosystem
- C. Caspian Sea Environment

**Your tasks** are as follows:

1. Read the background description and study the detailed reference material.
2. Answer the 8 questions.
3. Put your answers in a Word document and attach it in an e-mail to your tutor.

### **Background:**

The 3 projects are different in their contexts, concerns, priorities and stage of development.

The Guarani Aquifer Project is an example of a transboundary waterbody threatened by environmental degradation through over use and pollution, as defined in the GEF OP8. The Guarani Aquifer System is situated in the eastern and south central portions of South America, and underlies parts of Argentina, Brazil, Paraguay, and Uruguay. The long-term objective is the sustainable, integrated management and use of the Guarani Aquifer System.

The Benguela Current Large Marine Ecosystem Programme (BCLME) is a multinational cross-sectoral initiative by Namibia, Angola and South Africa to manage the marine living resources in an integrated and sustainable manner and to protect the marine environment.

The Caspian Sea Environment Programme is part of the OP8 Waterbody Operational Programme. The Caspian is the largest inland body in the world containing 44% of all inland waters. This programme is in its second phase and the 5 littoral countries are anxious to initiate the implementation of the Strategic Action Plan.

The Guarani Aquifer project had prepared a project brief and a PDF-B, while the Caspian and the BCLME projects have gone through the PDF-A/CONCEPT/PDF-B/BRIEF/PRODOC.

### **Detailed Reference Material**



You will find the documents on all three projects on the course CD-ROM.

## Questions

For each of the following questions, examine all three of the project annexes, and write a few lines reviewing how the point is covered, and what are the differences between them (or, if it is not covered, please say so.)

1. Are all the stakeholders groups identified, taking into account their relative position in regard of the issues involved?
2. What mechanisms are used to include relevant stakeholders (for example, discussion forums, workshops)?
3. Is the involvement of stakeholders achieving institutionalisation and integration with other management efforts?
4. Is there a capacity-building component, specifically addressing participatory planning and action?
5. Are conflict resolution mechanisms in place?
6. Are coordination mechanisms established?
7. Which of these three projects include a draft public involvement plan?
8. Is long-term funding included in the proposal in order to ensure consistency and continuity of involvement?

**Discuss these questions with the Project Manager  
and your colleagues,**

## 5.2 Institutional Analysis

In carrying out an institutional analysis, it is valuable to get inputs from various perspectives, and it is fully acceptable to use such results regardless of the different methods and tools used. To try for one uniform assessment exercise for the whole task is very time-wasting and of doubtful value.

Assessments already carried out should be used - for example, for proposed or ongoing government/institutional reforms. Possible sources include international or regional organisations (UNDP, World Bank, regional development banks), universities, research institutes, NGOs, and private sector consultancies.

A key objective is to go beyond the formal aspects of political and social interaction to the more revealing, decisive informal levels. In other words, the point is not to describe the formal decision-making hierarchy but to find out where decisions are really taken, and by whom, and why. This is why it's referred to above as a dynamic analysis.

The stakeholder analysis work - open-ended interviews, questionnaires and "power surveys" – will provide inputs for the institutional analysis. The interviews and questionnaires carried out for the stakeholder analysis should include focused questions on the various issues outlined in Tables 2, 3 and 4, above.

### **Creative Approaches to Get In-Depth Information About Institutions, Policies & Decision-Making Processes**

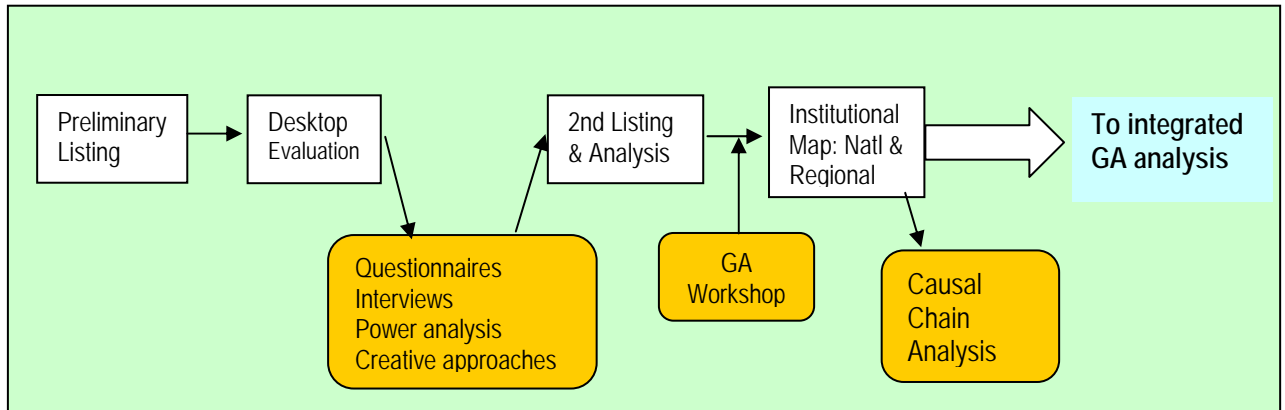
In addition to the approaches described above, other more creative ones are also possible.

GA experts can:

- Attend coordination meetings at key ministries or agencies in order to observe the dynamics – the informal 'rules of the game'; intersectoral or interministerial meetings are also very revealing.
- Talk with in-house journalists at key ministries, and to journalists who cover political and sectoral areas.
- Identify long-time staff members (mid-level or advisory roles), and interview her/him; often this is where the real institutional memory is deposited, the knowledge of what was done when, what worked and what did not – and why; similarly, these are the people who will know about the process of developing, implementing or evaluating a given policy.
- Track down former staff members who have worked on key areas or programmes in order to get their perspective – they may be more open about past efforts, problems, mistakes and achievements.
- Remember, when talking to key people, it is important to understand their psychological make-up – sometimes purely emotional issues can derail a policy.

### 5.2.1 The Key Institutional Analysis Activities

Figure 6 shows the stages of the institutional analysis and how it links with the stakeholder consultation, the GA Workshop, and the causal chain analysis, ending with its integration in a joint report on GA which is annexed to the TDA.



**Figure 6 – Stages and Links of the Institutional Analysis**

### 5.2.2 Preliminary Overview

First, a preliminary listing of relevant institutions and organisations, which includes a list of key contacts in each, is drawn up; this step is in parallel with the initial stakeholder analysis.

Next, a desktop evaluation is undertaken in order to define the main characteristics of the institutions. On the basis of the issues outlined in Tables 2, 3 and 4, questions are drawn up for inclusion in the stakeholder questionnaires and interviews.

### 5.2.3 Conduct Institutional Analysis: Interviews & Questionnaires

Care must be taken to coordinate the stakeholder analysis with the information needed for the institutional and policy/legal analysis, even though the same stakeholders will provide information and insights for the three governance components. Questionnaires and talking points for interviews for all elements must be included in the stakeholder analysis process.

The “power analysis” is basically carried out through extensive interviews, conducted mostly via telephone, by the GA Team or a competent, neutral consultant. Remember that the objective is to find out where power, i.e. decision-making and allocation of resources, really resides. This exercise should lay bare the informal ‘rules of the game’ that dominate intra and inter-agency relations.



#### **5.2.4 Develop Institutional Map**

Building up from the interviews and power analysis, an institutional map is elaborated that describes existing arrangements – both formal and informal - between all relevant institutions and organisations. These drafts (one per country) are circulated to each of the country GA Teams.

#### **5.2.5 The Regional Dimension: GA Workshop**

An important aspect which is often overlooked is the regional comparative analysis. Experts working in the TDA process will tend to have a national perspective. The regional dimension – the challenges, constraints, obstacles and existing arrangements – needs to be introduced. For this, a **GA workshop** is held for the national experts with a focus on existing institutional arrangements and mechanisms, and recommendations, for integrated environmental management. The event enables them to compare the respective national structures, and to provide inputs for the regional analysis.

#### **5.2.6 Elaboration of the Working Draft of Institutional Analysis**

An integrated institutional map, drawing on the preceding inputs (interviews, questionnaires, power analysis, workshop) is then elaborated. The objective is to provide a basic understanding of the institutional and policy/legal frameworks as a major input to the Causal Chain Analysis.

Normally a single consultant will prepare the regional comparative analysis on the basis of the outcome of the workshop, plus the country-specific information provided by national experts.

A consolidated draft (national & regional levels) should be ready and available when the joint fact-finding exercise is initiated, and definitely before the causal chain analysis is undertaken. This draft may be circulated to the inter-ministerial committees for feedback, and must be given to the TTT who will determine its distribution.

#### **5.2.7 Consolidated GA Analysis**

The output of the institutional analysis will be consolidated with the policy/legal analysis. The final integrated product should be a concise, cogent summary text which forms part of the TDA, with supporting documentation and information in annexes.

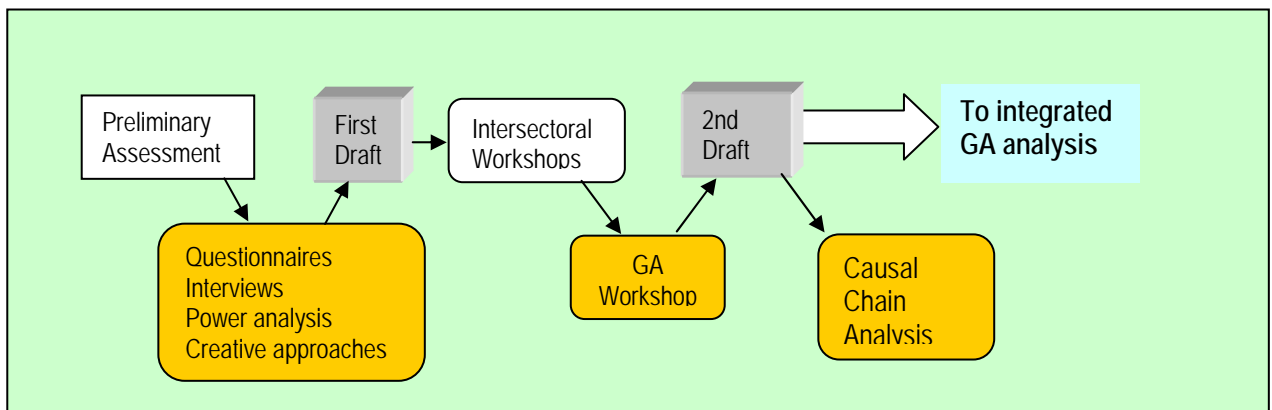
### **5.3 Policy/legal analysis**

Public policy analysis is a specialised field, which should be developed by a consultant(s) within the GAT with expertise in this area, and preferably with experience in the field of environment and natural resource management.

Public policy analysis should have both an analytical focus (explanation of the causes and consequences of the adoption of given policies) as well as a descriptive aspect (description of the problem and the modality of the response).

### 5.3.1 The Key Policy/Legal Analysis Activities

The key activities are shown in Figure 7, which shows the relationship with the other GA and TDA activities.



**Figure 7 – Stages and Links of the Policy/legal Analysis**

### 5.3.2 Desktop Overview

The analysis, initially a desktop job, centres on national and sectoral development plans and strategies, policies and legislation. Information is collected from existing sources such as universities, research centres, government agencies and intergovernmental organisations. An overview is prepared and distributed to selected stakeholders; for example, sectoral legal experts or government legal experts, in order to get their feedback and inputs.

Different approaches have been used. For example:

- country-specific institutional and policy analysis (used in the Dnipro TDA)
- policy analysis for specific issues such as (used in the Caspian Sea TDA):
  - use of mineral resources
  - navigation
  - fishing and biodiversity conservation
  - special protected areas
  - environmental standards

### 5.3.3 Inputs from Interviews & Questionnaires

As for institutional analysis, questionnaires and interviews carried out in the framework of the stakeholder analysis are important vehicles for going beyond the formal analysis of policies and legislation, and gaining insight into specific local processes. Similarly, the creative approaches described for institutional analysis above can yield valuable information.

### 5.3.4 The Intersectoral Dimension

Intersectoral workshops are needed at the national level. The number and thematic focus of the workshops will depend on local priorities. The objective of these events is:

- To enable sectoral experts, whose vision is often limited to their specific fields, to gain insight into the inter-sectoral linkages, and the environmental impacts that they may generate.
- To help identify conflicting policies and also synergies.
- To sensitise experts (e.g. energy, mining, transport) to the environmental dimension of their sector and the challenges of sound environmental governance.

The issues outlined in Tables 3 and 4 serve to orient the discussions. These inputs, together with the results of the stakeholder analysis exercises, are integrated into a second draft.

### 5.3.5 The Regional Dimension: GA Workshop

This second draft is distributed to corresponding GA Teams in other countries. The GA Workshop described for institutional analysis carries out the same functions for the legal/policy frameworks. In some cases, the same experts will develop both the institutional and the policy/legal analyses. In those cases where the work is divided, a joint workshop will provide the basis for integrating these two aspects of governance.

### 5.3.6 Elaboration of the Working Draft of Institutional Analysis

Building up from the desktop overview, an integrated assessment will be prepared that incorporates the inputs from the interviews and questionnaires as well as the outcomes of both the intersectoral and the regional workshops. As with the institutional analysis this draft is made available to the TTT which will determine its distribution. It provides a similar input to the Causal Chain Analysis to deepen the understanding of underlying policy/legal weaknesses and failings,

### **5.3.7 Consolidated Institutional & Policy/Legal Analysis**

A consolidated analysis now has to be drafted, incorporating the policy/legal analyses with the institutional analysis.

Figure 3, above, gives an overview of how the activities of the three elements of Governance Analysis are carried out in parallel and are then integrated into the TDA. The yellow blocks show activities which are carried out in combination, or if separately organised are closely coordinated.

The final product should be a concise, cogent summary text which forms part of the TDA. Supporting documentation and information should be presented in annexes.

## **6. The Techniques Used in Governance Analysis**

There are well-trying methods for consulting stakeholders, and for analysing the resulting information. The consultations, whether through interviews, questionnaires or open meetings, give data to inform all three components of governance analysis.

Frequently the analysis will be contracted out to a consultant but it is important for the project management team to appreciate the techniques used.

### **6.1 Interviews**

Interviewing is the most widely used, and probably the most effective method for enlisting co-operation for most populations. They are essentially conversations with a purpose. Personal contact with the respondent means that rapport and confidence building are possible. Moreover, the interviewer is able to answer questions.

Open ended questions which are possible in personal interviews are important in allowing the respondents to say what they think, and to do so with greater richness and spontaneity. Personal interviews also prevent misunderstandings and control the sequence in which the questions are answered.

However, interviews are subject to errors in the form of biased and varying responses. A successful interview is also dependent on the respondent knowing what is required of them and being motivated to give accurate answers. Interviewer bias may also be introduced by the fact that the interviewer, at least in part, determines the form that the interview takes.

#### **6.1.1 Interview design**

To minimise these limitations, which could lead to faulty responses, there are several things that can be done:

- The interview questions should be worded carefully to avoid any misunderstanding or ambiguity.
- The order in which the questions are put should follow a logical path and any misunderstandings clarified to the respondent.
- The interviews are best carried out at the respondent's place of work to allow for a relaxed atmosphere.
- Prior to the interview, the interviewee should be sent a brief outline of the project aims together with an indication of the scope of the interview. This must be repeated at the start of the interview.
- The structure of the interview should be based around a pre-arranged sequence of clearly-defined themes, with each theme introduced by a brief statement and followed by a very general open question designed to allow the respondent to talk freely and at length.
- A number of prompting questions can be formulated and used as necessary during the interview to ensure that questions are fully answered.
- The interview structure should be maintained, to minimise inconsistencies between interviews.
- The interviews should, if possible, be tape-recorded, if the interviewee agrees, and subsequently transcribed to provide a precise account of the discussions.

### 6.1.2 Analysis of Data

After transcribing the interviews, the data obtained can be processed using 'framework' analysis. This involves systematically coding, grouping and summarising descriptions and providing a coherent organising thematic framework to encapsulate and explain. There are several key stages:

- **Familiarisation:** An overview of the data is achieved through immersion in the data: listening to tapes, reading transcripts and listing recurrent themes and key issues.
- **Identification of a thematic framework:** A thematic frame is developed within which the material can be sorted.
- **Indexing:** The thematic framework is systematically applied to the data.
- **Charting:** Charts are constructed by 'lifting' data from the original transcripts and rearranged according to the appropriate thematic reference.

The results of the "framework" analysis can then be used as the basis for the design of the main research instrument, which in many cases is a questionnaire survey.

## 6.2 Questionnaires

Questionnaires have a number of advantages over interviewing:

- Quantitative data can be derived from questionnaire surveys, enabling statistical tests to be applied. These allow generalisations and inferences to be made concerning the target population.
- The standard format of a questionnaire avoids any bias that might be introduced by the interviewer during personal interviews, and therefore helps to reduce errors.

The form of the questionnaire will determine how the output data can be analysed. Thus the desired type of analysis must be considered when designing the questionnaire. The individual questions and their response categories (or scaling methods) will essentially determine the subsequent analysis.

### 6.2.1 Scaling Methods

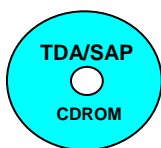
The type of scale used for a particular question, or set of questions, in a questionnaire can range from the ‘nominal’ which produces simple categorical data through to the numerical which can produce true parametric data (see Table 6).

**Table 6 - Common scaling methods used in questionnaires**

Type	Feature	Examples
Nominal	Classification	Gender
Ordinal	Ranking on continuum	‘Agreement’ scale
Numerical	Units of measurement	Temperature

There appears to be a trend toward the more liberal treatment of multiple-item scales (such as Likert – see Table 7 below) although there are no strict rules which allow the analyst to specify when a variable is definitely ordinal and when it is interval. It is now common practice to treat multiple item measures as though they were interval scales. However conducting so-called parametric tests on non-parametric data needs to be considered carefully.

There is a wealth of information and advice on how to design an effective questionnaire.



If you would like to go further into questionnaire design at this point you will find on the course CDROM an example from the CEP Regional Stakeholder Analysis of the Caspian Sea Project.

### 6.2.2 Postal survey

Questionnaires can be used as a type of highly structured interview, but it is usual for the questionnaire to be distributed by mail (electronic or hard copy). While the mail route keeps down costs, there are a number of potential disadvantages:

- There is no opportunity to clarify the meaning of a particular question.
- There is limited opportunity to probe responses further.
- The response rates can be low.

These limitations can be reduced by ensuring that the questionnaire is appropriate for the methodology, and by rigorous pre-testing of the questionnaire. It is advantageous to target the survey to named individuals in order to increase the response rate. After the initial mailing, it is advisable to send another copy of the questionnaire to non-responders approximately two weeks later.

### 6.2.3 Analysis of data

#### *Coding the data*

The response options to each question should all be given scores – numbers which referred to the responses. For example the Likert scale responses which range from ‘strongly disagree’ to ‘strongly agree’ are coded 1-5 (see Table 7). Other variables are assigned codes relating to their response categories and recorded in a **coding copy** of the questionnaire. Subsequently all responses obtained from the survey are assigned the appropriate code by reference to the coding copy to create numerical data.

Response	Score
Strongly disagree	1
Disagree	2
Neither agree nor disagree	3
Agree	4
Strongly agree	5

**Table 7 - Likert scale response categories and their allocated scores**

The numerical data can be entered into a data file and all subsequent analysis carried out using this software. In order to check the data for errors, frequencies should be generated and

missing data and anomalies identified and then corrected by referring back to the original questionnaire responses.

### *Descriptive statistics*

Although it is possible to conduct complex multivariate analysis with questionnaire data, in the TDA/SAP process this is generally not appropriate. Descriptive statistics such as mean scores can be calculated for scaled responses. These calculations can be performed both for the whole sample and separately for any identifiable sub-samples.

Sub-sample means can then be compared using one-way analysis of variance (ANOVA) to identify any significant differences between the respective attitudes of the groups. Differences between the groups can be indicated by the test statistic and categorised in order of increasing significance: at the 5% level ( $p < 0.05$ ), at the 1% level ( $p < 0.01$ ) and at the 0.1% level ( $p < 0.001$ ). These levels of significance are conventional but arbitrary.

I find that what we may want to know as academics versus what the policy makers want to know are very different things. The simplified mean, median, mode concepts, plus standard deviation, with some creative sorting, can get many results. Often the most important thing is being able to put it into an accessible format.

### *Cross-tabulations*

For categorical variables, cross-tabulations can be carried out using the chi-square test for significant differences at, for example, the  $P < 0.05$  level.

### *Computer-aided analysis of questionnaire data:*

There are a number of specialist computer packages for the analysis of questionnaire data. However for most requirements Microsoft Excel is adequate, so there is no need to invest in specialist software.

## **6.3 Open Meetings / Focus groups**

Open meetings and focus groups represent a highly dynamic and interactive forum for the collection and dissemination of data. They can produce explanations and consensus but can be difficult to set up and manage.

### **6.3.1 Meeting Procedures**

- Notice of public hearings should be advertised in the media and distributed as appropriate. A minimum of 30 days notice for the meeting should be provided.



- The notice for a public meeting should not normally be issued until the Project Manager is in receipt of all substantive information required for the meeting and has been placed on the public registry.
- Written submissions and supporting documentation should be filed with the Project Manager a minimum of 14 days in advance of the hearing.

An overall comparison of each of the various techniques used in governance analysis is presented in Table 8.

	<b>Advantages</b>	<b>Disadvantages</b>
<b>Interview</b>	Contextual Explanations	Time-consuming Unrepresentative Interviewer bias
<b>Questionnaire</b>	Inexpensive Large samples No interview bias Quantitative data Statistical analysis Generalisations	Lack of context Misinterpretation Low response rate No further questions
<b>Open Meeting / Focus Group</b>	Contextual Explanations Consensus	Time-consuming Difficult to organise and control Level of expertise required Facilitator bias

**Table 8 - Comparison of the various methods**

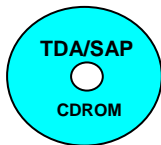
## Exercise 6.2 - Case-Studies

To complete Module 6, you will find on the course CD-ROM three case-studies, each with three questions which you are invited to answer. It is left open to you to decide how many of these you are able to work on. **As a minimum, please complete one of the cases.**

When you have thought out your answers, please write them, in note form, in a Word document and attach this in an e-mail to your tutor at the following address:

Please make sure your name is on your attached answer. Your tutor will send you comments within 48 hours.

### Case 1 - Black Sea TDA



Please read the Black Sea TDA document found on the course CD-ROM.

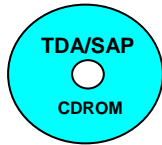
**Commentary:** Although the Black Sea TDA did not carry out a governance analysis, the main root causes highlighted in Level One are all governance issues.

At the Level Two Action Area on Sustainable Human Development, two sections focus on governance issues: C.1 on inadequate planning mechanisms and insufficient intersectoral coordination, and C.3 on public participation. In addition, governance issues emerge as problems in other Level Two Action Areas, although they are not defined as such, e.g. sections A4 and B.3.2-5.

**Now please answer the following questions:**

1. Is the focus on planning mechanisms and public participation adequate in terms of governance analysis, or would a more comprehensive institutional and policy/legal analysis have been called for?
2. Given the complex geopolitical characteristics of the Black Sea, would a comparative regional analysis (institutional and policy/legal) have strengthened the TDA?
3. The focus for the inclusion of legal issues and reforms is limited to those “necessary to foster public participation” (Section C.1.2.) What other types of policies or legislation could have been reviewed?

## Case 2 - The Dnipro Basin TDA



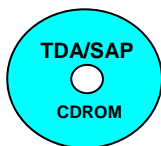
Please read the Dnipro Basin TDA document found on the course CD-ROM.

**Commentary:** The Dnipro TDA used an approach that broadly followed the principles of this module, and includes an entire chapter devoted to governance analysis issues: *Institutional, Legal and Policy Factors to be Overcome*.

**Now please answer the following questions:**

1. There are three sections that address, respectively, national environmental strategies, programmes, and key areas of national environmental policy development. Is it useful to have this sequential and detailed analysis of the policy framework? How does it contribute to developing a more solid TDA?
2. Is the level of analysis in Section 5.5 on the Institutional Framework sufficiently detailed for the purposes of a TDA?
3. Review Section 5.7 Water Quality Regulations. Do you consider that analysis of regulatory or legal frameworks within the context of a particular issue or sector is useful? What criteria should be used for determining which sectors to include in an analysis of this type within a TDA process?

## Case 3 - Lake Tanganyika TDA



Please read the Lake Tanganyika TDA document found on the course CD-ROM.

**Commentary:** The Lake Tanganyika TDA did not carry out either a causal chain analysis or a governance analysis, but identified four cross-cutting institutional problems: lack of resources, poor enforcement of existing regulations, lack of appropriate regulations, and lack of institutional coordination. In addition, many of the proposed actions to address “specific problems” (immediate causes) are governance issues.

**Now please answer the following questions:**

1. No overview is provided of the legal/policy or institutional frameworks in each country, nor at the regional level, yet many of the proposed actions call for development, establishment or harmonization of policies and regulations. Does the absence of a

comprehensive assessment at both the national and regional levels limit the feasibility of the proposed actions and the development of the SAP?

2. Action Level 3 - Specific problems and proposed interventions, lists the proposed actions and links them to a key agency. How would an institutional mapping exercise have strengthened this component? Is the identification of a single key agency enough to define how the proposed intervention could be implemented?
3. Given the geopolitical characteristics of Lake Tanganyika, would a regional comparative study of policy/legal frameworks have been necessary? How does its absence weaken the TDA? Review this question with specific reference to the proposed actions in Section 4.2.4 - Level 2 Pollution Control - Urban and Industrial Pollution.

**Discuss these questions with the Project Manager  
and your colleagues,**

**That is the end of Module 6 and the end of the  
TDA/SAP training course. Thank you for taking part.**

## Correct Answers to Self-assessment Test 6.1

1. The fourth aspect is:
  - financial constraints (e.g. budgetary allocations).
  
2. Complete the following sentences by filling in the missing words
  - a. A fundamental premise of governance is that not all public policy issues can be solved by **governments**, and that power is also exercised by social organizations and **actors** or **individuals** or **individual stakeholders**.
  - b. Whilst all three elements of governance have to be taken into account at the start of the TDA, the stakeholder analysis continues throughout the process.
  - c. As well as gaining a good understanding of institutional capacity and resources, the SAP elaboration process must also discover the current development plans at regional, national and sectoral levels.
  
3. Five examples of Main Root Causes found in many projects:
  - Poor legal framework
  - Inadequate development planning
  - Inadequate financing
  - **Poor enforcement of existing legal frameworks.**
  - **Insufficient public involvement.**

4.

A	Governance is the exercise of economic, political and administrative authority to manage a country's affairs at the highest level.	False. <b>All levels</b> of management must be studied.
B	Governance analysis is primarily concerned with the building of institutional capability and regulatory frameworks which ensure improved environmental performance.	False. This is <b>not</b> the primary concern of governance analysis. Please re-read the module from the beginning.
C	Governance analysis includes a study of laws, institutional relations, market forces and networks of influence.	True
D	The TDA process relies on governance analysis for discovering the underlying socio-economic causes for transboundary issues and their possible solutions.	True

## Correct Answers to Self-assessment Test 6.2

1. Apart from the relevant Government ministries, the other classes of stakeholder that you would contact in country A might be:
  - Transport operators and their trade associations.
  - Residents' and similar associations in the regions near the start of the corridor.
  - National and Regional Legislative bodies who were concerned in the establishment of the corridor and its preservation.
  - National commercial marine operators and their association.
  - Shippers' Council and other maritime trade associations.
  - Tourism and leisure bodies for nationals using the coastal strip.
  - Joint bodies formed to strengthen links between Countries A and B.
  
2. Indicate whether each of the following statement is true or false:

True / False?

A	Stakeholder involvement is an open procedure which cannot be fixed at any particular point in the project.	True
B	It is important to establish standard methods of communication with all stakeholder groups.	False. Each group may have its own communication characteristics which must be respected.
C	Special care needs to be taken to compensate for the lack of trust which may exist between public and private stakeholders.	True
D	Institutional analysis is concerned with entities that either have direct mandates in environmental management or who are directly affected by the environmental impacts.	True
E	It is not necessary for the institutional analysis to examine the structure of small community or tribal organisations.	False. Such small actors are sometimes crucial to the success of an initiative.
F	The causal chain exercise will help the governance analysis team to identify pivotal relationships in the institutional analysis.	True
G	One of the first priorities in the institutional analysis is to clarify agency mandates.	True
H	When analysing the Key Actors & Institutions, the primary point to establish is what the weaknesses of relevant institutions are.	False. There are other more vital questions, such as 'Who wields real power?' and 'What are the informal rules of the game'.
I	Institutional mapping consists of the detailed identification of relevant institutions and the systematic listing of their attributes.	False. This is just what the mapping is NOT. Please read the Institutional analysis section again.

3. A 'paper park' is an area which, theoretically established to be a national area to protect the environment, is in fact of minimal value and unable to carry out its mission because it is badly organised / financed / staffed.
  
4. c) and d) are both very true and important.  
  
b) is arguable: the work of a separate expert providing these insights and back-up analyses may not be actually integrated with the TDA.  
  
a) rather misses the point: it is not additional evidence that is provided, but additional understanding.

## **MODULE 6 Contents List**

### **1. This Module**

- 1.1 Module Objectives
- 1.2 Module Activities

### **2. General principles of governance**

- 2.1 Links between the 3 Elements of Governance and the TDA
  - 2.1.1 Links between Causes
  - 2.1.2 Governance is ...
- 2.2 Governance Analysis in the TDA-SAP Process
  - 2.2.1 Time-scales and the Development Portfolio
  - 2.2.2 The Level of Intervention
  - 2.2.3 How is Governance Analysis done?

#### **Self-assessment Test 1**

### **3. Stakeholder Consultation**

- 3.1 The Crucial Role of Stakeholders in the TDA/SAP Process
- 3.2 Who are stakeholders?
  - 3.2.1 Examples of Stakeholder Lists
- 3.3 Guiding principles of stakeholder involvement
  - 3.3.1 The importance of cultural factors in engaging stakeholders
  - 3.3.2 Local Focal Point

### **4. Institutional analysis and policy/legal analysis**

- 4.1 Institutional analysis
  - 4.1.1 Overview (Static Analysis)
  - 4.1.2 Institutional Analysis in the Causal Chain Exercise (Dynamic Analysis)
- 4.2 Legal / Policy Analysis
  - 4.2.1 Overview (Static Analysis)
  - 4.2.2 Integrating the Policy/legal Analysis into the Causal Chain Exercise (Dynamic Analysis)

#### **Self-assessment Test 2**

### **5. The Organisation of Governance Analysis**

- 5.1 Stakeholder analysis/consultation
  - 5.1.1 The Key Stakeholder Activities
  - 5.1.2 Identify and consult with stakeholder groups
  - 5.1.3 Conduct Stakeholder Analysis
  - 5.1.4 Public Involvement Plan (PIP)
  - 5.1.5 Stakeholders meeting to review TDA
  - 5.1.6 National endorsement of SAP
- Exercise 1 - Stakeholder Identification and Consultation**
- 5.2 Institutional Analysis
  - 5.2.1 The Key Institutional Analysis Activities
  - 5.2.2 Preliminary Overview
  - 5.2.3 Conduct Institutional Analysis: Interviews & Questionnaires
  - 5.2.4 Develop Institutional Map
  - 5.2.5 The Regional Dimension: GA Workshop
  - 5.2.6 Elaboration of the Working Draft of Institutional Analysis
  - 5.2.7 Consolidated GA Analysis
- 5.3 Policy/legal analysis
  - 5.3.1 The Key Policy/Legal Analysis Activities
  - 5.3.2 Desktop Overview



- 5.3.3 Inputs from Interviews & Questionnaires
- 5.3.4 The Intersectoral Dimension
- 5.3.5 The Regional Dimension: GA Workshop
- 5.3.6 Elaboration of the Working Draft of Institutional Analysis
- 5.3.7 Consolidated Institutional & Policy/Legal Analysis

## **6. The Techniques Used in Governance Analysis**

### **6.1 Interviews**

- 6.1.1 Interview design
- 6.1.2 Analysis of Data

### **6.2 Questionnaires**

- 6.2.1 Scaling Methods
- 6.2.2 Postal survey
- 6.2.3 Analysis of data

### **6.3 Open Meetings / Focus groups**

- 6.3.1 Meeting Procedures

### **Exercise 2 - Case-Studies**

### **Correct Answers to Self-assessment Test**