



13-E Institutional Strengthening

Introduction

In view of the increasing international interest in environmental issues represented in many international treaties and pacts, many countries have begun to institute local strategies for preserving the environment. However, many problems have emerged during the implementation of such local strategies, and implementation has become the true criterion for measuring the success of any local strategy mechanism for preserving the environment.

Much research have confirmed that the failure of local strategies in some countries came as a result of their inability to build effective legislative and institutional structures capable of implementing such strategies. Consequently, the importance of boosting legislative and institutional structures related to the environmental policies becomes evident.

Thus, Egypt began to institute a legislative and institutional structure capable of responding to the environmental policies requirements at the legislative and institutional levels.

The Legislative Structure

Several legislations have been enacted in Egypt for preserving the environment, including:

- Law no. 45 of 1949 on controlling noise and loudspeakers.
- Law no. 66 of 1953 on the use of fuel, coal and petrol materials.
- Law no. 21 of 1958 on industry.
- Law no. 86 of 1956 on mines and stone quarries.
- Law no. 59 of 1960 on ionized activities.
- Law no. 79 of 1961 on marine disasters and wreckage.

- Law no .53 of 1966 on agriculture.
- Law no .38 of 1967 on public cleanliness.
- Law no.1 of 1973 on industrial establishments and noise prevention.
- Law no.106 of 1976 on housing.
- Law no.52 of 1981 on pollution preventing.
- Law no.173 of 1982 on work environment.
- Law no.3 of 1982 on urban planning.
- Law no.93 of 1982 on sanitary drainage and liquid wastes.
- Law no.48 of 1982 on River Nile protection.
- Law no.102 of 1983 on natural reserves.
- Law no.12 of 1984 on irrigation and drainage.
- Law no. 4 of 1994 on environment preservation and its executive regulations. The provisions of this law are implemented in collaboration with several ministries, and these are the Ministries of: Local Development, Interior, Health, Agriculture, Industry, Petroleum, Electricity and Defense.

This law is considered the first unified legislative regulation for the environment in Egypt that is in line with the international legislative trend of environmental preservation. It forms a strong institutional support to the environmental policy in Egypt. This is clear from the following:

- The law is in line with the international philosophy that linked the environment to sustainable development, as reflected in many international forums and pacts. This law is considered the first legislation in Egypt that uses incentives as an effective implementation tool whether directed to individuals or to institutions, and so it acknowledges the recommen-

dations of the UN Conference on Environment and Development held in Rio de Janeiro, Brazil 1992.

- The law recommended the necessity of representing non-governmental organizations (NGOs) in EEAA board of directors (it is the body mandated by the law to lay out the general policy for environment and prepare appropriate plans for its preservation). The articles of law no. 4 of 1994 included the right of NGOs and individuals to report any environmental violations, and the importance of enhancing the role of NGOs and public participation in developing environmental policies.
- The law included increased the environment-related penalties in preceding laws, especially violations related to the infringement on wild life and natural resources in Egypt in order to address the defects in some already issued laws in this respect.

The Institutional Structure

a. EEAA mandates under MSEA supervision:

- The Law no. 4 of 1994 stipulated that “The Agency (EEAA) shall have a public juridical personality and shall be affiliated to the competent Minister for Environmental Affairs. It shall have an independent budget and its head quarters shall be located in Cairo. The Minister for Environmental Affairs may establish branches for the Agency in the governorates by ministerial decree”. In 1997 - for the first time- a minister of environmental affairs was appointed, assuming also the position of EEAA chairman and supervisor of all its activities.
- According to Law no. 4 of 1994, “The Agency shall formulate the general pol-

icy and lay down the necessary plans for the protection and promotion of the environment and follow up the implementation of such plans in coordination with the competent administrative authorities. The Agency shall have the authority to implement some pilot projects”.

- “The Agency shall be the national authority responsible for strengthening environmental relations between the ARE and other countries and regional and international organizations. The Agency shall recommend taking the necessary legal procedures to adhere to regional and international conventions related to the environment and prepare the necessary draft laws and decrees required for the implementation of such conventions”.
- Prepare draft laws and decrees related to the fulfillment of its objects and express its opinion on proposed legislation related to the protection of the environment.
- Prepare studies on the state of the environment, formulate the national plan with the projects included for the protection of the environment, prepare the estimated budgets for each as well as environmental maps of urban areas and areas to be developed and lay down the criteria to be observed when planning and developing new areas as well as the criteria targeted for old areas.
- Lay down the criteria and conditions which owners of projects and establishments must observe before the start of construction and during the operation of these projects.
- Draw up a comprehensive list of national institutions and organizations as well as of qualified individuals who could contribute in the preparation and execution of environmental protection

programs and could be made use of in preparing and implementing the projects and studies undertaken by the Agency.

- Conduct field follow-up of compliance with the criteria and conditions that are binding to agencies and establishments and take the procedures prescribed by law against those who violate such criteria and conditions.
- Lay down and follow up the rates and percentages necessary to ensure that permissible levels of pollutants are not exceeded.
- Gather national and international information on the environmental situation and the changes affecting it on a periodical basis in cooperation with the information centers of other agencies, publish such information and evaluate and utilize it in environmental management and planning.
- Lay down the principles and procedures for assessing environmental impacts of projects.
- Prepare an environmental contingency plan in the manner stated in article 25 of this Law and coordinate with the competent bodies in the preparation of programs to face environmental disasters.
- Lay down a plan for environmental training and supervise its implementation.
- Participate in the preparation and implementation of the national program for environmental monitoring and make use of the data provided thereby.
- Compile and publish periodic reports on the main environmental indicators.
- Prepare programs for the environmental education of the public and assist in their implementation.
- Coordinate with other competent authorities in connection with regulating

and setting safety standards for the conveyance of hazardous materials.

- Administer and supervise natural protectorates.
- Prepare the draft budgets required for the protection and promotion of the environment.
- Follow up the implementation of international and regional conventions related to the environment.
- Propose economic mechanisms to encourage different activities and procedures for the prevention of pollution.
- Implement pilot projects for the preservation of natural resources and the protection of the environment from pollution.
- Coordinate with the Ministry for International Cooperation to ensure that projects funded by donor organizations and countries are in line with environmental safety considerations.
- Participate in laying down a plan to protect the country from leakages of hazardous substances and waste causing environmental pollution.
- Participate in the preparation of an integrated national plan for the administration of coastal areas abutting on the Mediterranean Sea and the Red Sea in coordination with the authorities and ministries concerned.
- Participate with the Ministry of Education in the preparation of training programs for the protection of the environment within the scope of the various curricula in the basic education stage.
- Prepare an annual report on the environmental situation to be submitted to the President of the Republic and the Cabinet, a copy of which shall be deposited at the People's Assembly.

b. The Administrative Structure of the EEAA:

Environment Quality Sector: Concerned with environmental monitoring.

Environmental Management Sector: In charge of managing environmental activities and environmental impact assessment.

Central Department for Protecting Nature: Concerned with supervising national parks and biodiversity.

Central Department for Branches Affairs: supervises the EEAA branches and EMUs in the governorates.

Central Information Department: Responsible for registering environmental data.

Central Department for Communication and Training: Concerned with environmental awareness and training.

Central Department for International Cooperation: Responsible for managing international environmental relations.

Central department for Financial and Administrative Affairs: In charge of the financial and administrative supervision.

c. Environment Protection Fund (EPF):

EEAA shall include "The Environment Protection Fund", which would use its resources in financing the following activities:

- Confronting environmental disasters.
- Conducting pilot and pioneering projects in the field of protecting natural wealth and the environment from pollution.
- Transferring low-cost technologies applied successfully in the field of environmental protection.
- Funding the manufacturing of equipment, devices and plant models for the treatment of environmental pollutants.

- Financing the establishment and operation of environmental monitoring networks.
- Financing the establishment and management of natural protectorates.
- Financing the prevention of pollution from unidentified sources
- Financing studies needed for developing environmental programs and Environmental Impact Assessment studies, and instituting the rates and criteria required for environment preservation.
- Participation in financing environment preservation projects carried out by the local administrative authorities and NGOs.
- Rewarding distinguished achievements in the field of environment preservation.
- Improving EEAA infrastructure and developing its activities.
- Financing other environmental preservation and management activities approved by EEAA board



Clean up Campaign in el Sayadin (fishermen) Village in Hurgada

EPF resources, besides support and donations, include the following:

1. Financial fines and compensations agreed upon or set forth by court for environmental damage.
2. Resources of the Natural Protectorates Fund stipulated upon in law no. 102/1983.

3. EEAA allocations (that is, not less than half the collected revenues of the tax that reaches 25%) levied on air tickets issued by Egypt in Egyptian currency (by virtue of Law no. 101 of 1985 and also according to the Prime Minister decree no. 697 of 1986).

Future Vision and MSEA Efforts to Activate the Ministry Institutional Structure:

1. Supporting and developing decentralized environmental management within the framework of Danish funded ESP (DEM component) through:
 - Enhancing and preparing environmental Affairs Offices (EAOs) in the Governorates, as 52 million pounds have been provided to develop these offices in Dakahlia, Demiat and Beni Suef governorates and to inaugurate Toshky office.
 - Restructuring and strengthening the Central Department for Branches Affairs (CDBA) and EEAA regional branch offices (RBOs). CDBA currently includes 10 regional branches, by the addition of 2 new branch offices in North Upper Egypt and Sinai in order to cover all Egypt's governorates.



Greater Cairo and Fayoum RBO

2. Boosting partnership projects with society parties such as:

- The project of the cultural educational center for environment preservation (Cairo House).
3. An activation framework for the NGOs role has been instituted through contributing to the implementing the plan for improving the standards of living in the poorest communities. According to law no. 4 of 1994, EEAA board of directors includes 3 members as representatives of the NGOs, with the aim of activating their role and encouraging the participation in finding solutions to environmental problems through:
 - Geographical expansion of NGOs concerned with environment.
 - Instituting a conversation channel with the NGOs through establishing an NGO unit within the Ministry of State of Environmental Affairs.
 - Participation of the NGOs in the mechanisms designed for revising the national environmental work plan and supporting them financially, technically and administratively and boosting their role.
 4. Encouraging and developing EEAA employees, by training EEAA personnel of all specializations to conform to the highest international performance levels and supporting EEAA by the highly trained and experienced youth personnel.
 5. Enhancing women's role in preserving the environment through the Gender Unit in MSEA and through coordination with the National Council for Women.
 6. Boosting the role of youth in preserving the environment through employing youth in municipal and agricultural wastes recycling at recycling plants established in cities by private sector cleaning companies, and agricultural wastes recycling projects to be estab-

lished by MSEA, in collaboration with the Ministries of Defense and Military Production and the National Organization for Industrialization.

7. Boosting the role of heavy industries through establishing "the Industrialization Unit" in EEAA.
8. Enhancing the role of clean agriculture through establishing "The Clean Agriculture and Recycling Agricultural Wastes Unit" anchored in EEAA.
9. Improving climate protection activities through establishing weather change unit in EEAA.
10. Improving the ozone layer protection activities through EEAA ozone unit.

