

ETHIO-SPOTLIGHT¹

ISSUE 4: ENVIRONMENTAL IMPACT ASSESSMENT IN ETHIOPIA

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1. General overview: The environmental crisis in Ethiopia

Economic development can have enormous destructive impact on the environment including altering landscapes, polluting bodies of water, degrading soils, threatening biodiversity and in some cases driving species into extinction.⁴ These negative environmental impacts can in turn cause significant economic and social costs on society, particularly on human health. Ethiopia's rapid population growth, which has led to unwise use of natural resources and poorly planned projects to meet growing developmental demands, has left the country vulnerable to serious environmental degradation.⁵ Ethiopia has been criticised in the past for not featuring the environment in its development agenda with decision making mechanisms and project evaluation centrally focused on short term technical feasibility and economic benefits.⁶ Prior to the Proclamation on Environmental Impact Assessment coming into effect in 2002, EIAs were conducted in only a few sectors in Ethiopia. These sectors were limited to water resource development projects in the 1980s as part of regulatory prerequisites imposed by donors such as UNDP and WHO. The previous lack of environmental concerns in Ethiopia, therefore, led to serious natural degradation of the natural environment and in turn this has negatively affected public health.

¹Ethio-Spotlight is a free 6-part series on topics that we as authors and in-country Fellows observe are of interest to the regional and international community. These articles are published with a view to collate and transmit information that may spark further engagement with our host-country and with the Oxford Policy Fellowship

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⁴ Dantie M. and Bayou M., (2008), Overview of the Environmental Impact Assessment in Ethiopia - Gaps and Challenges, Melca Mahiber.

⁵ Gubena A. F., (2016) Environmental Impact Assessment in Ethiopia: A general overview of History, Transformation and Challenges Hindering Full implementation, Journal of Environmental and Earth Science, Vol.1, No.1.

⁶ *ibid*

Environmental Impact Assessment (EIA) is one of the best environmental management tools used to predict the negative effects that a development can have on the environment and as a result on society and the economy, identifying strategies to avoid and mitigate the impacts and may also provide opportunities to enhance the positive impacts of development activities.⁷ EIAs are also important because they provide a means through which the public can be involved in decision making processes relating to developments. EIAs also protect the right of Ethiopiam people to live in a clean and healthy environment. The next section shall discuss the policy and legal developments related to the conduct of EIAs in Ethiopia.

2. The environmental policy and legal framework

In 1997, an environmental policy was issued to offer overall guidance in conservation and sustainable utilisation of Ethiopia's environmental resources in general. The objective of the policy was to promote sustainable social and economic development of the country through amongst other things sustainable management and use of natural resources. The Environmental Policy forms the basis of Environmental Impact Assessment in Ethiopia and in Section 49 stipulates the country's policy regarding EIAs. The policy provides for the enactment of legislation that will provide for appropriate EIA and environmental audits for private and state projects, details direct undertaking of EIAs and environmental audits in various sectors, determines the scope and key elements of the EIA process, provides that EIA should cover not only physical and biological impacts but also address socio-economic, social, political and cultural conditions,, and that EIAs should include mitigation plans for environmental management problems and contingency plans.

The formulation of the Environmental Policy led to the enactment of Proclamation on Environmental Impact Assessment⁸ in 2002. Other relevant policies and legislation pertaining to Environmental Impact Assessment (EIA) studies include: - The Constitution; the Conservation Strategy of Ethiopia (CSE); the National Health Policies, Strategies and Public Health Proclamation⁹; the Ethiopian Water Resources Management Policy and Proclamation¹⁰; the Proclamation on Institutional Arrangements which established the Environmental Protection Authority (EPA); the Environmental Pollution Control Proclamation¹¹; the Provisional Standards for Industrial Pollution Control in Ethiopia; Solid Waste Management Proclamation¹²; the Occupational Safety & Health¹³ and the EPA Environmental Impact Assessment Guidelines (2002) which details the required procedures for conducting an EIA in Ethiopia and the requirements for environmental management. Additionally, depending on the funding arrangements for projects being undertaken in Ethiopia, there may be the regulatory requirements of international financial institutions such as the World Bank, the African Development Bank etc.

⁷ Ibid 4

⁸ No. 299/2002

⁹ No. 200/02

¹⁰ No. 197/2000

¹¹ No. 300/2002

¹² No 513/2007

¹³ Labour Law 377/2003

3. How does one go about conducting an Environmental Impact Assessment? Actors and Process

According to the Environmental Impact Assessment Proclamation No. 299/ 2002¹⁴, the Environmental Impact Assessment (EIA) is used to predict and manage the environmental effects which a proposed development activity may have as a result of its design, construction, operation, or in the case of an ongoing one, as a result of its modification or termination.¹⁵ The EIA is defined as the methodology of identifying and evaluating in advance any effect, be it positive or negative, which results from the implementation of a proposed project or public instrument and it is intended to facilitate administrative transparency and accountability, as well as to involve the public and, in particular, communities in the planning of and decision taking on developments which may affect them and the environment. It should be undertaken by in a manner that demonstrates the application of the principle of ‘common but differentiated roles’.

The Proclamation spells out the roles and tasks of different stakeholders. Further, the Guidelines to the Proclamation identify key sectors that should be subject to EIA. These highlighted sectors include: - agriculture, industry, transport, mining, dams and reservoirs, tannery, textile, hydro-power generation, irrigation projects and resettlement projects. These key sectors are described in general, and potential environmental impacts are specified and highlighted. Ministries and their implementing agencies have developed specific and more detailed EIA sectoral guidelines.

Parties to an EIA include: -

- i) **The Proponent** is any person that initiates a project, policy or program in the public sector or in the private sector as an investor. A proponent is required to proactively integrate environmental concerns into the social and economic development of the project as per the requirements of relevant environmental laws and directives. The proponent is expected to initiate the EIA process and create the necessary ground for undertaking EIA and appoint an eligible independent consulting firm who shall seek to undertake EIA.
- ii) **A Consulting firm** is an institution that can provide the required qualified professional working group that has demonstrated the ability to undertake the EIA, and meets the requirements specified under the relevant laws. The firm that will be appointed to work on behalf of a proponent is expected to have expertise in EIA and management in accordance with the nature of the proposed activity and legal requirements, make available an interdisciplinary team, having solid technical skills and legal know-how, as well as local knowledge, and manage the participation of interested and affected parties in an acceptable manner. The consulting firm is expected to have the facility to produce readable reports ensure at all times that it has no vested interest in the proposed activity and observe all ethical values of the calling.
- iii) **The Licensing Agency** is either the Environmental Protection Authority (EPA) or the relevant Regional Environmental Body mandated by a Proclamation provided for the establishment of Environmental Protection organs 295/2002 and EIA proclamation 299/2002 to oversee and facilitate the implementation or administration of EIA. The

¹⁴ 'Ethiopia - Environmental Impact Assessment Proclamation No. 299/2002.' (*Ilo.org*, 2002) <http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=85156&p_country=ETH&p_count=143> accessed 26 April 2021

¹⁵ Ibid at 4

agency has responsibility to make sure that the necessary system containing procedural and technical guidelines is prepared and implemented; that the public, especially affected communities, are given meaningful opportunity in the EIA process; that views, concerns and positions are considered during assessment, reviewing, auditing and at all stages of decision making.

As mentioned earlier, the project proponent is responsible for undertaking an environmental impact assessment (EIA) and for submitting the study report (EIS) which should be carried out before any project construction or implementation. The EIA should contain a) sufficient information to enable the determination of whether and under what conditions the project shall proceed; and (b) as a minimum, (i) a description of the nature of the project, including the technology and processes to be used and their physical impacts; (ii) the content and amount of pollutants that will be released during implementation as well as during operation; (iii) the source and amount of energy required for operation; (iii) the characteristics and duration of all the estimated direct or indirect, positive or negative impacts on living things and the physical environment; (iv) all measures proposed to eliminate, minimize, or mitigate negative impacts; (v) a contingency plan in case of accidents; and (vi) procedures detailing the internal monitoring and auditing during project implementation and operation.

The stages involved in the EIA procedure include: - i) Pre-screening consultation which stage where the proponent and the respective environmental or sectoral agencies establish contact and consult on how best to proceed with the EA; ii) Screening processes which determine whether or not a proposal requires EIA and the level at which the assessment should occur (as per the Schedules); iii) Scoping stage which is the process of interaction – identifies the boundaries of the EIA study, issues of concern, significant factors to consider and involves engaging stakeholders to consider their views; iv) Undertaking the study itself; and finally v) Review by the Environmental Authority in order to examine and determine whether the EIA-report is an adequate assessment of the environmental effects and of sufficient relevance and quality for decision making.

It is noteworthy that if a project is approved by the Authority (either unconditionally or as per stipulated conditions), the authorization of the EIA Report shall expire if the project has not been implemented according to the time frame set during its authorization.

4. Conclusion

While there have in the past been significant environmental challenges in Ethiopia, the EIA provides a useful tool to be applied towards ensuring that there is better environmental accountability. This is especially critical considering the aggressive economic development interventions being spearheaded by the government which will, of necessity, involve significant infrastructure investment and which will have a direct impact on the physical environment. In order to increase the implementation of this tool, some recommendations are suggested including that: - (i) concerted efforts must be made to enhance stakeholder awareness and participation across the value chain on the importance of the EIA – from parliamentary and other government officials to community members at the grassroots level; (ii) the EPA must work more closely with regional environmental organs and sectoral units; (iii) steps must be taken to improve the human and institutional capacity to undertake the EIA; and finally, (iv) all investors including the government must abide by the EIA requirement prior to project commencement.