

Current status of the environmental impact assessment system in Ethiopia

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ABSTRACT

One of the most ominous of all problems facing Ethiopia is environmental crisis which threatens to precipitate and deepen the country's precarious economic and social state. Among other things, this environmental crisis is due to unwise use of natural resources and unplanned development projects prompted by rapid population growth. In Ethiopia development planning, especially, has in the past been rather rudimentary, and that which existed paid little or no attention to environmental impacts. As a result the country has, over the last few decades, experienced a serious degradation of natural resources and damage to the environment and human health.

In line with Ethiopia's Agricultural Development Led Industrialisation (ADLI) Strategy requirement, the country is currently launching a major programme for the intensification of agriculture, including large-scale development irrigation schemes and industrialisation. If appropriate environmental monitoring and protection is not carried out, the development efforts of these projects could damage the environment and make development unsustainable.

In recognition of this, and of the urgency of the matter, the Environmental Protection Authority (EPA) has taken major action and prepared a draft EIA system, including Procedural Guidelines, which is used for all types of development projects in any sector (e.g. Agriculture, Industry, Transport). The main purpose of this procedure is that it is to be used as a tool for both planning and decision making, with the objective of ensuring that potential problems with projects and other development activities are foreseen and addressed at an early stage in the project cycle or other planning process.

This paper discusses the status of the draft EIA system in Ethiopia and raises a number of fundamental issues regarding the development of EIA procedures (one component of the proposed EIA system) such as the stage in the project cycle at which EIA should be introduced, its scope, the need for opportunities for the public to comment on EIAs and the institutional arrangements for their implementation.

See Topic 1

**UNEP EIA Training
Resource Manual**

Overview of EIA

INTRODUCTION

Background

Past experience has shown that programmes and projects undertaken in different sectors of the country have caused damage to the environment and to public health. This is because traditional project preparations and decisions were mainly based on short term economic and technical feasibilities and neglected the environmental and social as well as the long-term economic dimensions.

Concern for environmental degradation in Ethiopia has been growing in recent years. The Ethiopian Federal Democratic Republic Constitution provides basic and comprehensive principles and guidelines for environmental protection and management. The Constitution states that everyone has the right to live in a clean and healthy environment and the Government will make every effort to provide such an environment. The Constitution also holds the Government and the people of Ethiopia responsible for the preservation of natural resources and maintenance of ecological balances. A number of proclamations and supporting regulations were made that contain provisions for the protection and management of the environment which reflect the principles of the Constitution.

The most important step in setting up the legal framework for the environment in Ethiopia has been the establishment of the Environmental Protection Authority (EPA) by proclamation No. 9/1995. According to this proclamation the Environmental Protection Authority (EPA) has amongst its 'powers and duties':

- To prepare environmental protection policy and laws; and, upon approval, follow up their implementation.
- To prepare directives and systems necessary for evaluating the impact of social and economic development projects on the environment; follow up and supervise their implementation.

These powers and duties are amongst those for which the Environmental Protection Agency has been given particular responsibility by the Government. In this regard, the EPA has taken the necessary steps and embarked on the establishment of an Environmental Impact Assessment System for Ethiopia including the preparation of Procedural and Sectoral Guidelines as a prerequisite for the approval of new development activities and projects.

The purpose of this paper is to highlight the major endeavours undertaken by the Authority in preparing the draft EIA system (especially the development of Procedural Guidelines) in Ethiopia.

ENVIRONMENTAL POLICY

A basis for EPA's EIA system

The first comprehensive statement of Environmental Policy for the Federal Democratic Republic of Ethiopia was approved by the Council of Ministers in April, 1997. It was based on the policy and strategy findings and recommendations contained in Volume II of the Conservation Strategy for Ethiopia. The Environmental Policy is predicated on a growing concern for the degradation of the natural resource base, and takes into account how that base is affected by, and affects, the overall productivity of the agriculture sector in the country. The 'overall policy goal is to improve and enhance the health and quality of life of all Ethiopians and to promote sustainable social and economic development through the sound management and use of natural, human-made and cultural resources and the environment as a whole so as to meet the needs of the present generation without compromising the ability of future generations to meet their own needs'.

The following extracts are derived from the respective policy objective statements and policy elements within the National Environmental Policy and have been considered as providing essential guidance for EPA's activities in general and for its preparation of EIA Procedural Guideline in particular:

Extracts from the Environmental Policy of Ethiopia

- Incorporate the full economic, social and environmental costs and benefits of natural resources development.
- Appropriate and affordable technologies which use renewable resources efficiently shall be adopted, adapted, developed and disseminated.
- When a compromise between short-term economic growth and long-term environmental protection is necessary, then development activities shall minimise degrading and polluting impacts on ecological and life support systems.
- Regular and accurate assessment and monitoring of environmental conditions shall be undertaken.
- Ensure that environmental impact assessments consider not only physical and biological impacts but also address social, socio-economic, political and cultural conditions.
- Recognise that public consultation is an integral part of EIA and ensure that EIA procedures make provision for both an independent review and public comment before consideration by decision makers.
- Establish the necessary institutional framework and determine the linkages of its parts for undertaking, coordinating and approving EIAs

and the subsequent system of environmental audits required to ensure compliance with conditions.

- Develop detailed sectoral technical guidelines in EIA and environmental audits.
- Ensure that preliminary and full EIAs are undertaken by the relevant sectoral ministries or departments, if in the public sector, and by the developer, if in the private sector.

The above policy objective statements and guiding principles were very important as they have shaped the draft EIA system formulation and their implementation.

OVERVIEW OF EIA SYSTEM IN ETHIOPIA (STATUS)

Approaches taken in developing the EIA system

The EIA Procedural Guideline is derived from a range of other sources and has been adapted, where appropriate, to suit the environmental and social situation of the country. As mentioned in the introductory part of this paper, however, the primary source is the Environmental Policy of Ethiopia.

Most of the issues which are raised in establishing the mechanism for the effective implementation of the EIA procedure in the development projects of all sectors are essentially similar. For this reason one set of procedures has been prepared which is relevant to all development projects. But the proposed procedure does not show detailed aspects of technical issues that are pertinent to projects in particular sectors. Such details have been covered in technical guidelines specific to the sectors.

Application of the proposed procedure

The prepared Procedural Guideline is applied only to those projects whose location, nature or scale mean that they are likely to have significant impact, not to every small-scale development project. In this regard, therefore it is believed that the prepared procedure is simple and does not create bureaucratic obstacles to progress but is making a positive contribution to development by ensuring that those development schemes that go ahead will be healthy, acceptable and successful.

As addressed in the Procedural Guideline, smaller projects will only require an EIA study if their impact is likely to be significant by virtue of their location or other special feature (e.g. a scheme with a dam and reservoir is more likely to require an EIA than a run of river scheme).

According to the proposal, the project proponent (developer) is responsible for undertaking an 'Initial Environmental Examination' (IEE) in order to determine whether or not a given project requires full EIA. The IEE report would have importance in setting out relevant details of the project (location, size of the project, likely impacts and proposed mitigation

measures etc). On the basis of the IEE report, the Competent Agency (e.g. EPA) will approve the project (with conditions if considered necessary), request a full EIA study, or reject the project outright.

The EPA can assist developers in addressing environmental issues related to development projects and in meeting environmental impact assessment requirements by preparing sectoral EIA guidelines that provide relevant information and making them available to the developers.

STATUS OF THE EIA SYSTEM AND KEY ISSUES RAISED IN THE PROCEDURE

With its limited experience with initiating and completing environmental impact assessment studies of development projects, the EPA also has only very recent experience on the establishment of the EIA system (Procedural and Sectoral Guidelines). The proposed EIA system is at a draft level and is expected to be refined by the input of comments and/or suggestions from different stakeholders.

The draft EIA Procedural Guideline raises a number of fundamental questions regarding the development of EIA procedures in Ethiopia, such as the stage in the project cycle at which EIA should be introduced, the need for giving opportunities for the public to participate on EIAs, and the institutional arrangements for their implementation. Proposals have been formulated for these elements and are briefly discussed in the EIA Procedural Guideline document. A brief discussion of these elements is in the section of this paper which addresses some of the important aspects of the Procedural Guideline. In the Guideline there is also a recommendation for developing some outlines for EIA procedures which include an Initial Environmental Examination (IEE) for categorisation of projects which require EIA. The scope of EIA procedures is also presented. As briefly discussed in the document, the main purpose of the procedure is to guide the developer, competent agencies (EPA at the federal level and environmental agencies at the regions) and other stakeholders through the EIA process.

Sectoral Guidelines (eg. Agriculture, Industry and Transport) contain in great detail technical aspects that are pertinent to projects in particular sectors. These sectoral guidelines will benefit the developer and the country by steering the projects into sustainable development and by avoiding the careless use and destruction of Ethiopia's fragile environment and precious natural resources on which present and future generations depend.

However, this draft EIA system in Ethiopia is not yet legally binding and is used on a voluntary basis. It is hoped that after experience is gained in implementing the EIA, the EIA system will be formalised by way of backing it with the necessary legislation and regulations. To this effect, the Environmental Policy of Ethiopia has already been adopted and the preparation of a framework environmental law is under way.

SOME OF THE IMPORTANT ASPECTS (ELEMENTS) OF EIA PROCEDURAL GUIDELINES

EIA procedures and the project cycle

In the proposed guideline it is suggested that the environmental consequences of a proposed project should be recognised early in the project cycle since this makes it easier and less costly to expand, reject or sustainably modify the proposal. As projects pass through successive stages of the cycle and are not 'rejected' however, it is proposed that their scrutiny should go into more detail. In this aspect the draft EIA system has recommended an element of monitoring of the actual environmental impact of a project once implementation takes place in order to check that:

- there has been compliance with environmental standards;
- mitigation measures have been implemented; and
- no unexpected impacts have arisen.

OUTLINES OF THE PROPOSED DRAFT EIA PROCESS (MAIN STAGES)

The main stages in the proposed draft environmental impact assessment process include:

- Screening which will be undertaken to decide which projects should be subject to environmental impact assessment. Criteria used include size of project, nature of project and sensitivity of the environment. As clearly mentioned in the proposed guideline, screening will be undertaken by the Competent Agency. This will be done by reviewing the Initial Environmental Impact Statement of the proposed project.
- Scoping: the process which defines the key issues should be included in the environmental assessment. The intent of this process is to focus the environmental impact assessment on a limited number of environmental issues and to identify these issues through proactive public consultation which ensures that a wide number of stakeholders are to be involved. As stated in the guideline document, these key issues will be clearly described in the Terms of Reference (ToR) which will be prepared by the project proponent. According to the proposal, the ToR will be submitted to the competent agency for approval.
- Study phase: As stated in the procedure, paying the cost of, and undertaking, the study is the responsibility of the project proponent. The output of the study (EIS) will be reviewed by the Competent Agency.
- Review: As environmental impact statements are normally produced by the project proponents, it is usual for a review to be undertaken by the concerned Competent Agency. The concerned Competent Agency is also

responsible for reviewing and approving the Initial Environmental Examination reports and ToRs of the proposed projects.

- Monitoring is normally adopted as a mechanism to check that any conditions imposed on the project are being enforced or to check the quality of the affected environment. The responsibility for undertaking this activity is with the project proponent. However, the Competent Agency is also involved in this process as is deemed necessary.
- Auditing is used to test the scientific accuracy of impact predictions and as a check on environmental management practices. It is stated in the guideline document that the project proponent and the Competent Agency are actively participating in undertaking this major activity.

These broadly defined stages in the proposed procedure reflect what is now considered to be good practice within environmental impact assessment. However, it should be noted that there are other key elements which have been included in the Procedural Guideline. Among these are consultation with the public, government and non-government agencies as an integral part of the process.

BENEFITS AND CONSTRAINTS OF THE IMPLEMENTATION OF THE DRAFT EIA SYSTEM

Benefits

The EIA system has helped the EPA and other decision makers to anticipate potential impacts of proposed development activities, both beneficial and adverse, assisting in the identification of optional alternatives which maximise beneficial impacts and mitigate adverse impacts on the environment.

The proposed procedure is found to be useful in that it enables individual projects to proceed only when it has been determined that they will not cause unacceptable environmental damage and that mitigation measures will be taken, whenever feasible, to minimise any damage which is considered to be unavoidable.

With the formation of local governments and devolution of decision making to grassroot echelons of communities, these proposed procedures and guidelines have given more emphasis to new directions to address specific local needs and opportunities.

The draft EIA system has evolved in a way that is attracting the grassroots people to participate in project planning and design as well as decision-making. The EIA system developed by the authority is spearheading such an initiative which will lay the requisite basis for public participation in environmental and developmental planning and monitoring of projects.

Recently, two workshops on the proposed EIA system were held. The comments and/or suggestions collected from the participants during the workshops have served as a basis to refine the guideline documents and when adopted and implemented at a later stage will create a sense of ownership by all concerned stakeholders.

The EIA process allows project developers to have sufficient information regarding environmental impact so that they can make sound development choices.

Constraints

Major constraints which have been recognised as the result of implementation of the draft Procedural and Sectoral guidelines are:

Even though there have been some sectors which considered the requirement of EIA in their laws, there is as yet no law or regulation that applies to all proposed development projects. And this would make the proposed EIA guidelines at present not enforceable.

Although the guidelines are fairly comprehensive, they are limited in their applicability. Those limitations which need further due considerations are:

- setting indicators for threshold values for selecting development projects which require partial detailed EIA;
- setting criteria for defining adverse significant impacts of a project;
- developing appropriate standards (environmental requirements) for reviewing environmental impact statement reports;
- reviewing checklists and Initial Environmental Examination (IEE) format; and
- auditing procedures and using audit checklists.

There is a shortage of trained practitioners for the implementation of EIA.

Past experience has shown that most of the EIAs undertaken by many of the proponents have been at a late stage during the study phase rather than early in the screening phase. And this does not fit the EIA objective of influencing the choice of project alternatives.

There needs to be a way of addressing appropriate mechanisms to ensure adequate and useful public involvement throughout the project cycle.

Pending issues such as institutional arrangements so as to effectively execute the EIA, setting the time frame for various stages of EIA process, and the incorporation of workable appeal and grievance procedure have not yet been settled.

LIST OF RELEVANT PUBLISHED PAPERS OR OTHER SOURCE
MATERIAL

Proclamation No.1/1995 Constitution of Federal Democratic Republic of Ethiopia (FDRE).

Proclamation No.9/1995 Environmental Protection Establishment (FDRE).

Proclamation No.4/1995 Definition of the powers and duties of the Executive organs of the Federal Democratic Republic of Ethiopia (FDRE) Proclamation.

Environmental Protection Authority, EPA 1997; *Environmental Policy of the Federal Democratic Republic of Ethiopia*.

Environmental Protection Authority, EPA 1997: *Procedural Guideline for Environmental Impact Assessment (draft)*.

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