Netherlands Commission for Environmental Assessment

Ethiopia

EIA profile

Updated to: 04 February 2020

Please note:

Ethiopia is a federal republic, which means that it has delegated many duties and responsibilities to the state level.

In this country profile the laws and regulations on federal level will be presented first. If necessary, this is followed by regulation for Amhara state (this is the state where NCEA's activities are concentrated).

Overview ESIA procedure

Screening may be done in the form of an Initial Environmental Examination (IEE) process, as the EIA guidelines suggest. Scoping is also a voluntary step of the procedure. Thereafter, the assessment is done, review and a decision on whether an environmental clearance licence is issued or not. Finally, compliance monitoring is conducted.

Important documents as outcomes of the EIA process are the following: IEE report for screening (advised), scoping report (advised), EIA report, environmental clearance licence.

Amhara state

A project owner has to submit a description of the project as well as its impacts to the structures of the EFoWPDA or their regional offices.

source

ANRS ESIA guidelines

The Amhara authority on ESIA, the EFoWPDA, is currently reviewing their ESIA guidelines (2018). This country profile will be updated once the review process is complete.

Screening

Screening process

Screening is based on a list of projects provided under the draft EIA directive issued in 2008 under article 5 of the EIA proclamation No 229 of 2002. This list contains both projects that require EIA and those that do not require EIA. Additionally based on the EIA procedural guidelines (non-legally binding), the proponent is responsible for undertaking an initial environmental evaluation (IEE) to determine whether or not a given project requires a full EIA. The IEE report should have details that include location, size of the proposed project, likely impacts and proposed mitigation measures. On the basis of the IEE, the regulator will approve the project (with conditions of approval necessary), request a full EIA

study, or reject the project outright.

Sensitive areas

All projects located in environmentally sensitive areas are considered to cause significant impact and require a full EIA process irrespective of their nature. It is now suggested that a minimum of 300 m distance is kept from any sensitive areas.

Contents of the starting document

The starting document is the IEE. It should contains the title of the proposed activity:

- the name of the proponent and the consultant(s) representing the proponent;
- the address of the proponent and the consultant(s) representing the proponent (including telephone numbers, fax numbers and e-mail address);
- location of the proposed development and characteristics of the location (sensitivity of the area); size (small, medium and large scale);
- the description and extent of the proposed activities; and any potential environmental issues identified by the proponent to be affected as potential impacts);
- public concerns;
- institutional requirement, environmental mitigation measures and monitoring considerations.

source

Adugna A (Institute of Biodiversity Conservation and Research, Ethiopia). Environmental Impact Assessment: A legislative handbook for Eastern Africa Region. CLEAA PD ellows 2007-2008 Alumni (un-published)

Note: the Amhara state guideline does not list the required contents of the starting document.

Scoping

Scoping process

The EIA guidelines suggest that the proponent (consultant) is supposed to prepare a detailed plan of study for scoping, identify and consult with the interested and affected parties. The competent authority is suggested to ensure that all potentially significant impacts have been included in the study.

Amhara state

The guidelines explicitly include scoping as a step in the ESIA process. The same elements as the federal level are included.

Contents of the scoping document

It is suggested in guidance provided that the scoping report should contain:

- a brief description of the activity to be undertaken;

- a description of all tasks to be performed during scoping;
- a schedule setting out when the tasks contemplated will be completed;
- an indication of the stages at which the relevant authority will be consulted; and
- a description of significant effects and factors to be considered and the proposed methods of identifying the environmental issues and alternatives.

A ToR is produced during scoping for use in the impact study.

Amhara state

The guidelines give quite detailed information on the contents of the scoping report. In general, it should contain:

- Description of the project
- Biophysical and socio-economic description of the affected area
- Major positive as well as negative impacts
- A description of the public consultation
- The TOR for the consultant, including the above, as well as potential alternatives.

source

Adugna A (Institute of Biodiversity Conservation and Research, Ethiopia). Environmental Impact Assessment: A legislative handbook for Eastern Africa Region. CLEAA PD ellows 2007-2008 Alumni (un-published)

Assessment

Assessment process

There are no specified steps. Nevertheless, the proponent is required to submit a EIA report to EFCCC or the relevant regional authority alongside other required documents as determined by the relevant authority.

source

Proclamation 295/2002 Article 7 (2)

Contents of the EIA report

The EIA report should contain a description of:

- the nature of the project, including the technology and processes to be used;
- the content and amount of pollutant that will be released during implementation as well as during operation;
- source and amount of energy required for operation;
- information on likely trans-regional impacts;
- characteristics and duration of all the estimated direct or indirect, positive or negative impacts;

- measures proposed to eliminate, minimize, or mitigate negative impacts;
- contingency plan in case of accident; and
- procedures of self auditing and monitoring during implementation and operation.

Additionally, the EIA report should be accompanied by a non-technical summary.

Amhara state

The 2018 guidelines contain a detailed description of the contents of the ESIA report. In general lines the contents match those of the federal level, as described above.

source

Proclamation 295/2002 Article 8 (2) and 9 (1)

Accreditation of consultants

An independent consultant or the firm requires registration and licence issued by EFCCC to practice. There is, however, no accreditation system for consultants.

Amhara state

The Amhara state guidelines (2018) state that ESIAs must be prepared by a licensed firm. It details how consultants or firms can be officially accredited.

source

Adugna A (Institute of Biodiversity Conservation and Research, Ethiopia). Environmental Impact Assessment: A legislative handbook for Eastern Africa Region. CLEAA PD ellows 2007-2008 Alumni (un-published)

Review

Review process

The EIA proclamation does not give a specific review process. However, it states that evaluation is done by taking into account any public comments and expert opinion. It is also not specified whether the review results are opened to public and if the public has the possibility to respond.

Amhara state

The guidelines inlude a list of criteria which are to be used in reviewing ESIAs. Some significant criteria include:

- correspondence of ESIA to ToR
- A brief non-technical summary that everybody can understand.

- Accurate, unbiased and credible pieces of information described in the main report.

- The stakeholders included in the process

Timeline Review

15 days

source

Proclamation 295/2002 Article 9 (2)

Decision making

Integration of ESIA into decision-making

Approval of the EIA report means that an environmental clearance (EIA licence) will be issued. The project approval decision is taken by a separate authority , but in consideration of the results of the EIA.

Decision justification

Not specified under the EIA proclamation. The EIA guidelines advise that the Record of Decision should be made available to the public upon request.

Timeline decision-making

15 days

Possibilities for appeal

No information.

Follow-up

Compliance monitoring

EFCCC or the relevant regional environmental authority is required to evaluate compliance with approval conditions and where applicable may order the proponent to take corrective measures.

As part of the EIA report, the proponent is required to submit procedures for self auditing and monitoring to be used during implementation and operation.

Stakeholder engagement

Public participation requirements for ESIA process stages

Part Five of the Proclamation on EIA (2002) determines that the responsible authority shall ensure that the comments made by the public are incorporated into the EIA report and its evaluation. How these comments should be used for decision-making processes is not specified.

Timeline for public comments

No information.

Access to information

There are provisions in the EIA proclamation, 2002 for the relevant environmental agency to make any EIA study report accessible to the public and solicit comments on it. Access to other documents and/ or decision is not specified.

Not specified in the EIA proclamation but the EIA guidelines (not legally binding) advises to have on-site advertisement, media advertisement using radio and TV in the local language. It also advises placing an advert in local language in an appropriate newspaper (within the locality of the project). The advertisement should be placed in a official government gazette that provides service for public notice.

source

Proclamation 295/2002 Article 15

ESIA practice

Annual no. of ESIAs

Estimated approximately 30 EIA's are produced at the Federal level annually.

Central ESIA database

Completed EIAs are kept at EFCCC or at the regional environmental agencies under which the EIA was conducted

Professional bodies

- Movement for Environmental Learning and Community Action (MELCA): MELCA's objective is to promote research on the relationships between cultural /traditional/ people with their environment; to promote the diverse traditional ways of transferring knowledge and practices from generation to generation; to campaign, advocate and lobby for policy and legislation that effectively protects the rights of local communities as well as the integrity of cultural and local governance systems; and to promote endogenous development.
- Ethiopian Association of Environmental Impact Assessment (EAEIA): Established in 2004 with the objective to; a) create and develop capacity to reduce or avoid harm to the environment and natural resources; b) Facilitate the development of EIA resource centre and training thereof.
- Member of the Horn of Africa - Regional Environment Centre and Network.

Relevant links

- EIA review study by Ethiopian NGO

Background information

History of ESIA

In 1995, the Environmental Protection Agency was established by proclamation No 9/1995. The 1997 environmental policy laid a foundation for environmental management in Ethiopia. It provided for the integration of environment and development at policy, planning and management levels for an improvement of decision-making. In 2000, the EPA developed an EIA guideline, which was given a legal basis with the adoption of the EIA Proclamation No. 299 of 2002 by the House of Peoples? Representatives. EIA then became a legally required procedure. Further, the EPA was re-established through the EPA proclamation No 295/2002 which gave the it a legal mandate in EIA. Since the EIA Proclamation was adopted, efforts have been made to implement the law by the EPA and the relevant regional environmental organisations, which were themselves established by the Proclamation. An EIA directive under article 5 of the EIA proclamation was issued in 2008. This directive gives a list of projects that require EIA.

In 2013, the EPA was upgraded into the Ministry for Environmental Protection and Forestry. In 2015 this was renamed the Ministry of Environment, Forestry and Climate Change. Finally, in 2019 the Environment, Forest and Climate Change Commission (EFCCC) replaced the Ministry in charge of the environment. It is currently the authority for Environmental Assessment at federal level.

source

D. Ruffeis et a. (2012). Evaluation of the environmental policy and impact assessment process in Ethiopia. Impact Assessment and Project Appraisal 28(1), pages 29-40.

Proclamation no. 1097 of 2018

Legal framework

Enabling law

Constitution of the Federal Republic of Ethiopia.

source

D. Mellese and M. Bayou (2008). Overview of Environmental Impact Assessment in Ethiopia: Gaps and Challenges

Constitution of the Federal Democratic Republic of Ethiopia (1994)

Environmental Policy of Ethiopia (1997)

National detailed regulation

Environmental Impact Assessment Proclamation No 299/ 2002 issued by the House of People representatives guides the EIA process.

source

Environmental Impact Assessment Proclamation No 299/2002 (2002)

Guidelines

Ethiopia has developed General EIA guidelines (2000), EIA review guidelines (2003) and EIA procedural guidelines (2003) which elaborate the framework EIA proclamation and provide for the schedules of activities and the level of EIA required as well as roles of various stakeholders. A number of EIA sector based, review and procedural guidelines have also been developed. Examples include guidelines for dams and reservoirs construction, for preparation of EMPs, for activities dealing with forestry, fertilizer, livestock, fisheries and range management among others.

source

General EIA guidelines.

EIA Review Guidelines.

EIA procedural guidelines.

Scope of application

There is a draft EIA directive based on article 5 of proclamation No. 299/2002 that lists a number of categories of projects that are subject to EIA (directive no. 9-2008). The directive also states that all projects (government, private or international) which fall in any categories listed require an EIA.

Exemptions from application

Not specified.

Institutional setting

Central ESIA authority

The EFCCC is responsible for evaluating EIA reports of projects that need to be licensed and executed by the federal government and projects that are likely to generate inter-regional impacts.

Regional Environmental Agencies are responsible for EIA within specific states.

Amhara state

The Environment, Forest and Wildlife Protection and Development Agency (EFoWPDA) is responsible for evaluating EIA report.

source

Proclamation 295/2002

Other key (governmental) parties

- Environmental Protection Council is in place for overseeing and coordinating environmental matters. It comprises of 8 members with competencies in specific issues related to environment management. It evaluates and approves directives and standards issued by the EFCCC;
- Licensing institutions: e.g. Ministries of Trade and Industry as well as Mines and Energy: They are required to issue trading and investment licences and to ensure as per the EIA proclamation that an EIA licence is first obtained. These sector institutions are expected to establish environmental units to

undertake EIA monitoring.

(De)centralisation of mandates

The EIA system is decentralised vertically. The EFCCC is in charge of EIA at the federal level and decides on EIAs for projects that are likely to produce trans-regional impacts. Regionally, EIA administration is mainly by regional state environmental agencies.

source

Proclamation 295/2002; Article 14 and Adugna A (Institute of Biodiversity Conservation and Research, Ethiopia). Environmental Impact Assessment: A legislative handbook for Eastern Africa Region. CLEAA PD fellows 2007-2008 Alumni (un-published)

Payment system

The EIA proclamation states that the cost of undertaking an EIA and preparing an EIA report should be borne by the proponent. The proponent is also required to pay an EIA processing fee.

source

Proclamation 295/2002 Article 7 (3)

Contact

The authority on Environmental Assessment at Federal level is the Environmental, Forestry, and Climate Change Commission.

The Commission is established as a Federal Executive Organ by Proclamation no. 1097 of 2018. It has replaced the Ministry in charge of the environment.

Located around Arat Kilo behind tourist hotel Near to Immigration office, Arada Sub City Wereda 09.

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- Fax: +251 (0)11-170-4158/45
- Email: efcccethiopia@gmail.com
- Twitter: https://twitter.com/efccc14
- Facebook: https://www.facebook.com/MefEth/
- Telegram: https://t.me/efcccethiopia
- Address: P.O.BOX 12760, Addis Ababa, Ethiopia

Amhara state

The Environment, Forestry, and Wildlife Protection and Development Agency (EFoWPDA). Its contact details are:

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