

THE PLACE OF ENVIRONMENTAL PROTECTION IN THE GROWTH AND TRANSFORMATION PLAN OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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1. INTRODUCTION

The implementation of Ethiopia's Growth and Transformation Plan (the GTP *hereinafter*) is currently underway. It is directed, among other things, towards bringing about sustainable development and promoting the process of democratization. However, it does not include environmental protection in its visions or objectives. All the same, the non-inclusion of environmental protection in the GTP's visions or objectives may not mean that the GTP does not recognize the relevance of environmental protection to the attainment of its goals. Hence, in this article, I will examine whether the GTP recognizes the relevance of environmental protection to the attainment of its goals. Besides, I will examine the opportunities the GTP may have presented and which can be exploited to push for better environmental protection in the country during the time of the GTP. With this in mind, the article contains nine sections. The first section provides for a succinct introduction to the article while the second section deals with a brief introduction to the GTP. The third section briefly discusses the relevance of environmental protection in general. In the fourth section, the place given to environmental protection in the GTP will be examined. Section five deals with how one can use the GTP to advocate better environmental protection in the country in the years to come. In section six, a brief look at what happened under the *A Plan for Accelerated and Sustainable Development to End Poverty* (the PASDEP

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hereinafter) with regard to environmental protection will be seen to draw lessons from there. In section seven, I will briefly see the place of environmental protection in the Oromia GTP. Although the objective of this article is not to examine the place of environmental protection in the Oromia GTP, it is hoped that it will add value to the article if a section is devoted to it. Section eight provides for some examples of environmental protection measures that have been taken after the FDRE GTP was launched. Finally, the article will be concluded with possible recommendations.

2. THE GROWTH AND TRANSFORMATION PLAN

Ethiopia is currently implementing the GTP as a successor to the PASDEP.¹ The GTP is Ethiopia's strategic plan for the period 2010/2011-2014/2015.² It is directed towards the realization of Ethiopia's long-term visions. In the GTP, Ethiopia has put forward her long-term visions in general and in the economic sector in particular. Thus, the overall long-term vision of Ethiopia is:

*“to become a country where democratic rule, good-governance and social justice reigns, upon the involvement and free will of its peoples; and once extricating itself from poverty and becomes a middle-income economy as of 2020-2023.”*³

In the economic sector, the long-term visions of Ethiopia are:

“to build an economy which has a modern and productive agricultural sector with enhanced technology and an industrial sector that plays a leading role in the economy; to sustain economic development and secure social justice; and, increase per capita

¹PASDEP is the strategic plan of Ethiopia for the period 2005/06-2009/10. See, generally, FDRE Ministry of Finance and Economic Development, Ethiopia: Building on Progress A Plan for Accelerated and Sustained Development to End Poverty (PASDEP) 2005/06-2009/10, (2006).

²FDRE Ministry of Finance and Economic Development, Federal Democratic Republic of Ethiopia Growth and Transformation Plan 2010/11-2014/15, (2010).

³ Id., Section 2.1.

*income of citizens so that it reaches at [sic]the level of those in middle-income countries.*⁴

In order to facilitate the realization of the above visions, the GTP intends to achieve the following major objectives: maintaining at least an average real GDP growth rate of 11% and meet the Millennium Development Goals (MDGs); expanding and ensuring the qualities of education and health services thereby achieving the MDGs in the social sectors; establishing favorable conditions for sustainable state building through the creation of stable democratic and developmental state; and ensuring growth sustainability by realizing all the above objectives within stable macroeconomic framework.⁵

Bearing the above visions and objectives in mind, one may wonder how Ethiopia plans to realize the visions and achieve the objectives it has set out in the GTP. In this regard, the GTP identifies what it calls *pillar strategies* which are sustaining faster and equitable economic growth, maintaining agriculture as a major source of economic growth, creating favorable conditions for the industry to play key role in the economy, enhancing expansion and quality of infrastructure development, enhancing expansion and quality of social development, building capacity and deepening good governance, and promoting women and youth empowerment and equitable benefit.⁶ Thus, by using these strategies, it is believed that the major objectives of the GTP will be achieved thereby facilitating the realization of Ethiopia's overall long-term visions and her visions in the economic sector.

⁴Ibid.

⁵ See id., Section 2.2.

⁶ See Id., Chapter Three.

It is, therefore, clearly discernable from the visions and objectives of the GTP that Ethiopia has planned to, *inter alia*, work towards, democratization with the intent to become a country where democratic rule, good-governance and social justice reigns, and bringing about sustained economic development in order to enable her citizens to get income comparable to what individuals in middle-income countries get. The question then is whether or not environmental protection can in any way contribute to the attainment of the above goals. This issue is addressed in the next section.

3. RELEVANCE OF ENVIRONMENTAL PROTECTION

There is no question that every nation desires to bring about economic development. Thus, while countries generally take various measures to progress economically, developing and the least developed countries seem to turn every stone to bring about economic development. For instance, Ethiopia's decision to construct the *Gilgel Gibe III Dam* and the *Grand Ethiopian Renaissance Dam*, which are expected to produce about 1850 MW and 6000 MW of electric power, respectively, is a manifestation of how desperate the country is for economic development.⁷ However, some of the measures taken to bring about economic development may not be environmentally benign. For instance, it is possible to bring about economic development by destroying the environment. Yet, for economic development to be real and meaningful, it has to be sustainable,⁸ whereas making development sustainable requires, among other things, environmental protection.⁹

⁷ The construction of the *Gilgel Gibe III Dam* on *Gibe River* and that of the *Great Ethiopian Renaissance Dam* on *Abbay River* (commonly known as the Blue Nile) is underway.

⁸ See World Commission on Environment and Development, *A Threatened Future, Our Common Future* (1987), ... (*hereinafter* cited as WCED Report)

⁹ 'Sustainable development' has been an enormously influential concept in environmental law since at least the early 1980s and it is now extraordinarily widely accepted and

Consequently, it is necessary to integrate economics and the environment for the desired economic development may not come about in the absence of such integration. In other words, none can be sacrificed to obtain the other.¹⁰ In this regard, as *Charles Caccia* said, “if we want to make a choice between economy and the environment, the choice, in the long term, turns out to be an illusion with awesome consequences for humanity” because there is no such choice.¹¹ Instead, we have to decide to choose both economy and the environment and pay due attention to them. If both economy and the environment are chosen and due attention is paid to them, they will reinforce one another. This is so because environmental stresses and patterns of economic development are linked to one another.¹² For example, agricultural policies may lie at the root of land, water, and forest degradation and energy policies are associated with the global greenhouse effect, with acidification,

supported across the world. See Jane Holder and Maria Lee, *Environmental Protection, Law and Policy: Text and Materials*, 2nd ed. (Cambridge, Cambridge University Press, 2007) p. 217. Sustainable development seeks to meet the needs and aspirations of the present generation without compromising the ability to meet those of the future generations. Hence, far from requiring the cessation of economic growth, sustainable development supports it so long as we allow the future generations to satisfy their needs. Of course, economic growth always brings risk of environmental damage, as it puts increased pressure on environmental resources but policy makers guided by the concept of sustainable development will necessarily work to assure that growing economies remain firmly attached to their ecological roots and that these roots are protected and nurtured so that they may support growth over the long term. WCED Report, supra note 8, Paragraphs 49-50. Since the concept sustainable development is not free from problems, one cannot say that is a universally accepted concept. For more on the meaning of sustainable development, the reason why the concept is so complex and contestable, its core principles, and its strengths and weaknesses, see generally Neil Carter, *The Politics of the Environment: Ideas, Activism, Policy* (Cambridge, Cambridge University Press, 2001) pp. 195-222.

¹⁰ According to Neil Carter, the concept of sustainable development is a direct attempt to deal with the tension between economic growth and environmental protection, which lies at the heart of environmental politics, by sending the message that it is possible to have economic development whilst also protecting the environment. See generally Neil Carter, supra note 10, pp. 195-222.

¹¹ Charles Caccia, Member of Parliament, House of Commons, WCED Public Hearing (1986) mentioned WCED Report, supra note 8, Paragraph 42.

¹² Ibid.

and with deforestation for fuel-wood in many developing nations.¹³ On the other hand, these stresses threaten economic development thereby implying the need to completely integrate economics and ecology in decision making and lawmaking processes not just to protect the environment, but also to protect and promote economic development.¹⁴ After all, it is said that economy is not just about the production of wealth; nor is ecology just about the protection of nature; they are both equally relevant for improving the fate of humankind.¹⁵ In other words, both economic development and environmental protection can have the same end goal which is improving the quality of human life. This, in turn, implies that the two must not be seen as interests which compete to attain different goals.

So, the conclusion is that environmental protection, which requires the integration of the environment into every economic activity,¹⁶ facilitates sustainable development. On the other hand, the likelihood of attaining sustainable development will be much lower if the environment is disregarded or not integrated into economic activities.¹⁷ That is why

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ It is said that environmental protection should be the responsibility of all government organs, not only that of environmental protection organs which was the trend in the past although the ability to anticipate and prevent environmental damage will require that the ecological dimensions of policies to be considered at the same time as the economic, trade, energy, agricultural, and other dimensions. After all, it is the policies of other government organs that are causing environmental damages and thus they must be given the responsibility to protect it. See WCED Report, *supra* note 8, Paragraph 46.

¹⁷ On the meaning and basic components of the environment which deserve protection, see P.C. Mishra and R.C. Das, *Environmental Law and Society: A text in Environmental Studies* (India, Macmillan, 2001) p. 1 and H.V. Jadhav and S.H. Purohit, *Global Warming and Environmental Laws*, 1st ed. (Mumbai, Himalaya Publishing House, 2007) p. 8. At this juncture, it must be noted that although the concept *sustainable development* is widely accepted, it is not without its environmental critics. In this regard, Michael Jacobs identifies three forms of resistance amongst those participating in environmental debates. The first is frustration or irritation, usually expressed from a policy-technocratic standpoint. Sustainable development is never properly defined, it is protested; everybody seems to think it means

environmental protection is said to be inherent in the concept of sustainable development.¹⁸

At this juncture, we should realize that the concept sustainable development is not free from criticisms. Indeed, some have criticized it as an ambiguous concept with a meaning that is contested and complex while others have characterized it as an empty slogan with little substance.¹⁹ Nevertheless, the principle of sustainable development has been an influential concept in environmental law since at least the early 1980s and it is now widely accepted and supported across the world.²⁰

something different. How can the term be adopted as a policy objective unless its meaning is clarified and agreed upon? The second form of resistance is outright rejection. Not all environmentalists have endorsed the concept of sustainable development. Politically, its most outspoken opposition comes from those we might call ‘ultra-greens’. For them, the fuzziness of its meaning is integral to its purpose. Sustainable development is a smokescreen put up by business and development interests to obscure the conflicts between ecological integrity and economic growth, and between the interests of the rich North and poor South. Acceptance of the concept by environmental groups is a mistake, it is argued: a fatal co-option into technocratic ‘global management’ sideshows designed not to disturb the fundamental processes of capitalist exploitation. The third form of resistance comes from those we might call ‘cultural critics’, principally within academia. The argument here is that the discourse of sustainable development represents an inappropriate response to the ‘environmental problematic’. It derives from the same cultural sources – modernism, scientific positivism and realism, technocratic social democracy – as the problems it is trying to address. Despite good intentions, its inability to understand or reflect recent cultural changes in industrial societies leaves its programme liable to failure. For more on these points, see Michael Jacobs, ‘Sustainable Development as a Contested Concept’ in Andrew Dobson (ed.), *Fairness and Futurity: Essays on Environmental Sustainability and Social Justice* (1999), p. 22 which by itself is included in Holder and Lee, *supra* note 10, p. 218.

¹⁸ WCED Report, *supra* note 8, Paragraph 42. See also Holder and Lee, *supra* note 10, p. 217.

¹⁹ See generally Neil Carter, *supra* note 9, pp. 195-222. According to Louka, too, the term “sustainable development” has been decried by some as devoid of content, as a concept used to express different and often disparate worldviews; for example, developed countries and their NGOs have used the principle to underline the importance of environmental values, whereas developing countries have used the principle to buttress their right to development. See Elli Louka, *International Environmental Law: Fairness, Effectiveness, and World Order* (Cambridge, Cambridge University Press, 2006) pp.52-53.

²⁰ Holder and Lee, *supra* note 10, p. 217. According to Carter, although policy-makers the world over argued that they could have their cake and eat it, almost every country is now

In addition to making development sustainable, environmental protection also facilitates the enjoyment of the right to clean and healthy environment which generally involves the promotion of a certain level of environmental quality.²¹ On the other hand, one can find different legal instruments which recognize this right. For instance, the African Charter on Human and Peoples' Rights vividly recognizes the right to satisfactory environment.²² In

committed, at least on paper, to the principles of sustainable development. See, generally, Neil Carter, *supra* note 9, pp. 195-222. According to Louka, despite these misgivings, however, the principle has assisted in reconciling in one phrase what before seemed irreconcilable – namely, environmental protection and development. For more, see Elli Louka, *supra* note 19, pp.52-53. Moreover, Sand also argues the concept sustainable development is now widely accepted because, among other things, some international instruments including the 1946 International Whaling Convention, the 1968, African Conservation Convention, the 1972 World Heritage Convention, the 1973 Convention on International Trade in Endangered Species, the Rio declaration, the 1992 Convention on Biological Diversity and the 1992 UNFCCC. There are also judicial practices in support of such the concept such as that of the ICJ. For more on this and related points see generally Philippe Sands, *Principles of International Environmental Law*, 2nd ed. (Cambridge, Cambridge University press, 2003) pp. 252-266.

²¹ The right to clean and healthy environment should be understood here as a substantive environmental right. On the other hand, a substantive environmental right generally involves the promotion of a certain level of environmental quality. For more, see Tim Hayward, *Constitutional Environmental Rights* (New York, Oxford University Press, 2005), p. 29. However, according to the draft principles of the UN Sub-Commission on Human Rights and the Environment, the right may include, as its elements, freedom from pollution, environmental degradation and activities that adversely affect the environment, or threaten life, health, livelihood, well-being or sustainable development; protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential processes and areas necessary to maintain biological diversity and ecosystems; the highest attainable standard of health free from environmental harm; safe and healthy food and water adequate to their well-being; a safe and healthy working environment; adequate housing, land tenure and living conditions in a secure, healthy and ecologically sound environment; not to be evicted from their homes or land for the purpose of, or as a consequence of, decisions or actions affecting the environment, except in emergencies or due to a compelling purpose benefiting society as a whole and not attainable by other means; timely assistance in the event of natural or technological or other human-caused catastrophes; benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health, livelihood, recreational, spiritual or other purposes. This includes ecologically sound access to nature; and preservation of unique sites, consistent with the fundamental rights of persons or groups living in the area. *Id.*, pp. 29-30.

²² African Charter on Human and Peoples' Rights, OAU, Banjul (The Gambia), adopted June 27, 1981, entered into force Oct. 21, 1986, OAU Doc. CAB/LEG/67/3.

Ethiopia, it is recognized under article 44(1) of the FDRE Constitution.²³ This shows that environmental protection could be facilitated if measures are taken to enforce this right.

In conclusion, environmental protection is necessary because it, among other things, promotes sustainable development and also facilitates the enjoyment of the right to clean and healthy environment. Of course, there is also an argument which tries to justify environmental protection claiming that environmental policy is qualitatively different from other policies basically because environmental policy is concerned with sustaining the ecological basis of life while other policies are concerned with the quality of life.²⁴ So, the implication here is that environmental policy needs a differential and preferential treatment so that the basis for life is preserved. This argument does not, however, seem to make a good case for protecting the environment because there are also other non-environmental policies which deal with issues of life and death, not only with the quality of life, such as policies dealing with sale of drugs, consumer safety, and automobile safety.²⁵ In other words, the policies we may have in these areas, which may certainly not be environmental, can sustain or endanger life. A case in point can be allowing pharmacies to sell any drugs to anyone without medical prescription or lifting maximum driving limits in cities.²⁶

²³ For more on the constitutionality of environmental right, see, generally, Tim Hayward, *supra* note 21, pp. 36 and the following.

²⁴ See, for example, Lawrence S. Rothenberg, *Environmental Choices: Policy Responses to Green Demands* (Washington, CQ Press, 2002) p. 3

²⁵ *Ibid.*

²⁶ There are also arguments favoring environmental protection but based on different grounds. For instance, arguments for environmental protection have been put forward from anthropocentric perspective, cultural perspective (indigenous peoples' perspectives) and religious perspectives. There are also arguments that claim that the environment has to be protected for its own sake or because other beings in nature have the right to be protected and humans do not have the right to destroy them. For more on these points, see generally

At any rate, in light of the above benefits of environmental protection, we will now proceed to examining how the GTP has planned to deal with environmental protection in the coming years. In other words, *does the GTP recognize the relevance of environmental protection* is the query the next section will try to answer.

4. PLACE OF ENVIRONMENTAL PROTECTION IN THE GTP

First of all, it is worth noting that the FDRE Constitution requires environmental protection, directly and indirectly. In this regard, one can mention different articles of the Constitution. For example, article 44(1) of the FDRE Constitution guarantees every person's right to a clean and healthy environment. On the other hand, the realization of this right necessarily requires environmental protection. Besides, article 92(1) of the Constitution imposes a duty on both the Federal and Regional Governments to endeavour to ensure that all Ethiopians live in a clean and healthy environment. By virtue of article 85(1) of the Constitution, this obligation could be discharged by paying due attention to environmental protection when they make and enforce laws, and policies (plans or programs), among other things. Therefore, since the making of any law, policy, plan, and program must have its root in the Constitution,²⁷ it is logical to think that the makers of the GTP were aware of the need to include stipulations dealing with the environment

Dale Jamieson (ed), *A Companion to Environmental Philosophy* (Massachusetts, Blackwell Publishers, 2001) pp. 1-160.

²⁷ At this juncture, it is worth mentioning that Ethiopia has an obligation to protect the environment under the international environmental instruments it has thus far accepted as well. For example, Ethiopia ratified the Convention on Biological Diversity in 1993. It is also part of the 1992 Rio Declaration, a soft law. On the other hand, these laws require the protection of the environment by taking all possible measures such as making laws and formulating policies and plans and enforcing them. Hence, the inclusion of stipulations relating to environmental protection in the GTP enables the Country to discharge its international obligation to protect the environment. As such, it could be said that, in addition to the FDRE Constitution, the environmental provisions in the GTP have their roots in the international environmental protection agreements Ethiopia has accepted as well.

in the GTP with a view to ensuring environmental protection because the GTP cannot pay deaf ears to the constitutional stipulations in respect of environmental protection. This being the case, we will now see what the words of the GTP actually say about environmental protection.

As mentioned before, the GTP provides for the long-term visions of Ethiopia, the objectives that need to be achieved to facilitate the realization of these long-term visions and the pillar strategies that could be relied upon to achieve these objectives. Environmental protection is, however, not expressly mentioned either as part of the visions or objectives or pillar strategies of the GTP. Of course, this does not mean that the GTP denies the relevance of environmental protection to the attainment of its goals. First, one can read the requirement of environmental protection into the visions or the objectives or the pillar strategies of the GTP. For instance, as the previous discussions have revealed, Ethiopia has planned, under the GTP, to bring about sustainable economic development, whereas environmental protection is a *sine quo non* condition for the attainment of this goal. In other words, economic development becomes sustainable only if the environment is protected and that is why both economic development and environmental protection are regarded as interdependent and mutually re-enforcing elements of sustainable development thereby implying the difficulty involved in attaining one by ignoring the other. Moreover, it is possible to read the need to protect the environment into some of the pillar strategies of the GTP. In this regard, pillar strategy 3.4 of the GTP could be mentioned. It deals with enhancing the expansion and quality of infrastructure development which includes enhancing and expanding the energy sector in the coming five years. On the other hand, enhancing and expanding the energy sector implies, *inter alia*, using clean energy such as solar and wind

energy which, in turn, will have a positive contribution to environmental protection.

Second, and in addition to the above implied recognition of the need to protect the environment, the GTP expressly recognizes the relevance of protecting the environment. After recognizing environmental protection as one of its cross-cutting sectors development plan,²⁸ it declares that environmental protection has a vital contribution to make development sustainable.²⁹ Moreover, the GTP emphasizes that building a carbon neutral and climate change resilient economy and the enforcement of existing environmental laws are priority actions in relation to the environmental conservation.³⁰ Further, the GTP lists the objectives it intends to achieve in relation to environmental protection.³¹ Accordingly, policies, strategies, laws and standards, which foster social and economic development to enhance the welfare of humans and *the safety of the environment sustainably*, will be formulated.³² Besides, the government will spearhead the process of implementing these and already existing environmental policies, strategies, laws and standards to ensure their effectiveness. Hence, according to the GTP, it is necessary to formulate policies, strategies, laws and standards and ensure the effective implementation these instruments together with the ones already in place so that, ultimately, the safety of the environment is enhanced.³³

²⁸ GTP, supra note 2, Chapter 8.

²⁹ Id., Section 8.7.1.

³⁰ Ibid.

³¹ Id., Section 8.7.2.

³² Emphasis added.

³³ At this juncture, it may be necessary to mention the stand of the PASDEP on environmental protection which is a straight forward. PASDEP clearly states that Ethiopia's vision is to bring about environmentally sound development based on the 1997 Environmental Policy of Ethiopia. Moreover, in order to realize this vision, PASDEP recognized ensuring proactively the integration of environmental dictates in development.

Therefore, it is clear that the GTP recognizes the relevance of environmental protection. Of course, the GTP could be criticized for not giving equal weights to environmental protection and economic growth/development. In this regard, since that the GTP does not explicitly recognize the need to protect the environment as part of its visions or objectives or pillar strategies, it could, legitimately, be argued that the GTP is a biased document as it is in favour of economic development and social development. Now, we are in the era of sustainable development which requires paying equal attention to economic development, social development and environmental protection. Nevertheless, the reading of the text of the GTP indubitably shows that the environment is not given equal weight with the other elements, in particular, the economy. Nevertheless, the GTP could still be used to promote environmental protection. Accordingly, in the next section, we will briefly consider how one may possibly push, by exploiting the stipulations (implied and express) in the GTP, for the better protection of the environment under the GTP.

5. USING THE GTP TO FURTHER ENVIRONMENTAL PROTECTION

The fact that the GTP recognizes that protecting the environment has a vital contribution to make development sustainable could be taken as the first opportunity to seize to push for and promote environmental protection. This is so because such recognition implies the need to protect the environment or consider environmental values in the course of promoting other national interests. For example, it is possible to demand the strict use of environmental impact assessment (EIA) in decision-making process because

On the other hand, the GTP does not include environmental protection in its vision. See, generally, PASDEP, *supra* note 1, pp. 189-190.

such method helps decision-makers identify, in advance, the possible impacts of their decisions on the environment. On the other hand, if the impacts of a given decision on the environment are known beforehand, it will be possible to take measures to avoid or mitigate them.³⁴ Similarly, it is possible to demand old factories to upgrade their technologies to minimize the pollution they cause to the environment because some of the harms they cause may be irreversible.

The other opportunity to seize is the fact that the GTP declares the necessity to formulate policies, strategies, laws and standards which foster social and economic development to enhance the welfare of humans and the *safety of the environment sustainably*.³⁵ This creates an opportunity to push for policies, strategies, laws and standards in the field of environment so that the inadequacies, for instance, in the existing environmental laws will be remedied to eventually make our system of environmental law adequate. For example, one of the reasons why the 2002 EIA Proclamation is not adequate

³⁴ See, for example, David Hunter et al, *International Environmental Law and Policy*, 3rd ed. (Thomson West, Federation Press, 2007) p 531. It is necessary that development agents use EIA as a tool for making decision to consider the possible impacts of their actions on the environment and to take measures to avoid or minimize such impacts. Indeed, current environmental laws recognize the importance of EIA as a tool capable of ensuring the integration of environmental values into decision-making process thereby promoting sustainable development and the enjoyment of the right to live in a clean and healthy environment. See Steven Ferrey, *Environmental Law: Examples and Explanations*, 3rd ed. (New York, ASPEN Publishers, 2004) p 1; Thomas F.P. Sullivan (ed.), *Environmental Law Handbook*, 14th ed. (Rockville, Government Institutes, 1997) p. 1. In Ethiopia, too, the EIA Proclamation endorses the need to use EIA by reiterating that EIA promotes sustainable development and fosters the implementation of the constitutionally guaranteed right to clean and healthy environment. See paragraphs 2 and 3 of the Preamble of the EIA Proclamation No. 299/2002. Actually, because Ethiopia has had laws aiming at the protection and preservation of the environment including the EIA Proclamation, some writers argue that the country is deeply concerned about its environment. See, for example, Khushal Vibhute, *Environmental Policy and Law of Ethiopia*, *JEL* (2008), Vol. xxii, No.1, pp. 76, 82-83.

³⁵ GTP, *supra* note 2, Section 8.7.2.

is because it contains a number of gaps, generalities and vagueness.³⁶ Moreover, it is because of the absence of some standards the federal EPA is authorized to issue that the Environmental Pollution Control Proclamation, Proclamation 300/2002, has not been effective. Likewise, it is due to the failure of our environmental laws to recognize ‘citizens suit’, also called *public interest litigation*, in its broadest sense that some environmental laws have failed to achieve their objectives fully. For example, article 11 of the Environmental Pollution Control Proclamation recognizes ‘citizens’ suit’. However, it does not allow bringing actions against environmental protection organs if they fail to discharge their duties such as issuing directives and standards, and monitor certain activities to ensure their implementation in manners not damaging the environment. Moreover, it does not allow ‘citizens suit’ against any person for failure to obey environmental requirements unless there is an actual or a potential damage to the environment following the non-observance of such requirements.

Based on the stipulations of the GTP, however, one may push for measures to be taken to make the system of our environmental laws adequate. This could mean the amendment of some laws like the EIA Proclamation and the Environmental Pollution Control Proclamation. It could also mean the issuance of some subsidiary instruments like regulations and directives in the case of the EIA Proclamation and some standards in the case of

³⁶In order for any system of EIA to be effective, it is clear that appropriate legal framework is necessary. See Economic Commission for Africa, Review of the Application of Environmental Impact Assessment in Selected African Countries (Addis Ababa, Economic Commission for Africa Print shop, 2005) p. 19 (Hereinafter cited as ECA). The EIA Proclamation is, however, not adequate. For example, although it allows public participation in the EIA process, it does not provide for how long this participation should stay; the Proclamation does authorize environmental protection organs to take measures against proponents of projects that are executed without passing through EIA; it does not indicate (by annexing to its text) the actions that are subject to EIA; it does not expressly require proponents of public instruments to do EIA, etc.

Environmental Pollution Control Proclamation to facilitate the enforcement of the existing proclamations.³⁷

Making the system of environmental law adequate requires more than just making separate environmental laws. For example, it requires mainstreaming environmental protection into sectoral laws as well. In this regard, some important sectoral laws fail to provide for stipulations in favour of environmental protection while others contain such stipulations which still remain inadequate. For instance, the current Business Registration and Licensing Proclamation, Proclamation No 686/2010, recognizes the possibility to suspend or revoke license if environmental standards are not observed. However, it does not provide for environment related requirement such as conducting EIA to register business or issue business license. On the other hand, it is possible to use the stipulations in the GTP to push for the inclusion of stipulations that aim to promote environmental protection in this and other sectoral laws. The inclusion may come about in the form of amending the existing sectoral laws or by supplementing some of them by subsidiary instruments which require environmental protection.

Moreover, realizing that formulating policies, strategies, laws and standards alone is not enough, the GTP recognizes the need to spearhead in ensuring the effectiveness of the implementation of policies, strategies, laws and standards that are formulated for the purposes of enhancing, *inter alia*, environmental protection.³⁸ This may mean a number of things. First, it may mean establishing new institutional framework or building the capacity of

³⁷ See, for example, Environmental Protection Organs Establishment Proclamation, Proclamation No. 295/2002, article 6(7), cumulatively with Environmental Pollution Control Proclamation, Proclamation No. 300/2002, articles 3 and 6.

³⁸ GTP, *supra* note 2, Section 8.7.2.

the existing ones with a view to making them capable of ensuring the effective implementation of instruments pertaining to environmental protection.³⁹ For instance, the Federal Environmental Protection Authority and the environmental protection organs in our regions do lack adequate manpower and material resources, among other things, to effectively discharge their duties.⁴⁰ Thus, the GTP could be taken as favoring strengthening the capacity of these organs by easing their problems. Second, ensuring the implementation of environmental protection-related instruments may mean seriously implementing the policies, strategies, laws and standards that are formulated to further environmental needs such as by punishing deviations there from.

³⁹Although appropriate legal framework is necessary for any system of environmental law to be effective, the presence of appropriate legal framework alone cannot facilitate the achievement of the objectives of environmental laws unless they are effectively enforced. On the other hand, effective enforcement requires, among other things, the creation of several institutions. This is why, like appropriate legal framework, well-functioning institutions are also important prerequisites to have an effective system of environmental law. See ECA, *supra* note 36, p. 19; *Enforcement* implies taking set of measures to achieve compliance within the regulated community. See US EPA, Principles of Environmental Enforcement cited in Robert L. Glicksman et al., *Environmental Protection: Law and Policy*, 5th ed. (New York, ASPEN Publisher, 2007). p. 983; William L. Andreen, *In Pursuit of NEPA's Promise: The Role of Executive Oversight in the Implementation of Environmental Policy*, *Indiana Law Journal* (1988-1989), Vol. 64, No.2, p 209.

⁴⁰ For example, in relation to EIA, I made interviews and discussions with the following officials: Mr. Solomon Kebede, EIA Expert and former Ex-head of the EIA Department at FEPA, on 22 Oct 2010; Mr. Alemayehu Geleta, EIA expert, Oromia Land and Environmental Protection Bureau, Environmental Protection Core Process Owner, 20 Oct 2010; Mr. WeldeberhanKuma, Environmental and Biodiversity Case Team Coordinator at the SNNPRS Land Administration, Use, and Environmental Protection Authority, 07 October 2010; Mr. YirgaTadesse, EIA Expert and Acting Business Owner, EIA Team, and Mr. Hadush Berhe, Environmental Education and Awareness Expert, Tigray Regional Government environmental Protection, Land Administration and Use Agency, 28 October 2010; Mr. Yitayal Abebe Ashetih, Ensuring Sustainable Environmental Protection Process Leader, Amhara Regional State Environmental Protection, Land Use and Administration Authority, 29 Nov 2010; Mr. Melisachew Fantie, EIA Report Review, Auditing and Monitoring Expert, Ensuring Sustainable Environmental Protection Process, Amhara Regional State Environmental Protection, Land Use and Administration Authority, 29 Nov 2010; Mr. Getachew Belachew, EIA Officer, EPA, City Government of Addis Ababa, 02 February 2011.

Further, one of the priority strategic directions of the GTP in relation to environmental protection is enforcing the existing environmental laws. At the moment, and putting the question of adequacy aside, Ethiopia does have a number of environmental statutes to protect the various aspects of the environment. To mention just a few, Wildlife Development, Conservation and Utilization Proclamation, Proclamation No. 541/2007, Solid Waste Management Proclamation, Proclamation No. 513/2007, Environmental Pollution Control Proclamation, Proclamation No 300/2002, Environmental Impact Assessment Proclamation, Proclamation No. 299/2002, Animal Disease Control Proclamation, Proclamation No. 267/2002, Water Resources Management Proclamation, Proclamation No 197/2000, Prevention of Industrial Pollution Council of Ministers Regulations, Regulation No. 159/2008, and Wildlife Development, Conservation and Utilization Council of Ministers Regulation, Regulation No. 163/2008 are among the laws that aim to protect the various aspects of the environment. However, many of these statutes are, however, not implemented as they ought to be. For instance, despite the existence of the Solid Waste Management Proclamation, Proclamation No. 513/2007, and the Environmental Pollution Control Proclamation, Proclamation No 300/2002, which prohibit polluting the environment by, *inter alia*, throwing solid wastes into ditches and on roadsides, we still see many people disposing their solid wastes at these prohibited areas. Moreover, despite the enactment of the EIA Proclamation in 2002 which requires project that may have significant adverse impact on the environment to pass through the EIA process before their implementation begins, most projects are still implemented without passing through the EIA process.⁴¹In both cases, the problem is attributable, among other things, to lack of adequate enforcement of the existing laws. On the other hand, the

⁴¹ Interviews, *supra* note 41.

GTP recognizes the relevance of enforcing the existing environmental laws. This is in particular important because so far most of our environmental laws have been suffering from implementation problems. Hence, during the period of the GTP, one can push for the enforcement of the new and the existing environmental instruments because, at the end of the day, the effective implementation of these instruments will contribute to the achievement of the GTP's objectives.⁴²

At this juncture, it is important to note that some sectoral laws also contain provisions relating to environmental protection. For example, article 34 of the Mining Operations Proclamation, Proclamation No. 678/2010, requires licensees to conduct mining operation in compliance with environmental protection laws. Similarly, article 60(1) of the Proclamation states that “[e]xcept for reconnaissance license, retention license or artisanal mining license, any applicant for a license shall submit an environmental impact assessment and obtain all the necessary approvals from the competent authority required by the relevant environmental laws of the country.” This implies that anyone, save for artisan miners, who intends to carry out *exploration* or *mining* activity must conduct an EIA and obtain an environmental permit from the relevant federal or regional body before he/it is issued a license. Moreover, Business Registration and Licensing

⁴² Of course, one can also use the democratization aspect of the GTP to push for better environmental protection in the next five years. In this respect, since the enforcement of right is one of the features of democracy or the process of democratization and the right to clean and healthy environment is recognized under article 44 of the FDRE Constitution, one may seek this right to be realized which necessarily requires environmental protection. This could be called a right approach to environmental protection. This is an approach that tries to promote environmental protection by taking environmental protection as a matter of human rights. For more on this point, see Tim Hayward, *supra* note 21, pp. 27-31. However, it should be noted that adopting a human right approach is not a panacea for every environmental problem although such approach has a significant and distinctive role to play in addressing the problem. This means, the approach can be part of the solution to the problem. *Id.*, p. 25

Proclamation, Proclamation 686/2010, allows the suspension (article 37(1)(a)) and cancellation (article 39(1)(c)) of licenses if standards of environmental protection are not observed. Therefore, the GTP could be used not only to push for the effective application of environmental protection laws but also the different stipulations inserted into various sectoral laws to ensure environmental protection.

In conclusion, the GTP recognizes or puts sufficient emphasis on the need to protect the environment. As such, it presents many opportunities which, if seized, can promote environmental protection. It requires making the necessary instruments to guarantee the safety of the environment and ensuring the effective implementation of environment-related policies, strategies, laws and standards that already exists and that are yet to be issued. If converted to actions, these stipulations in the GTP are, indeed, capable of facilitating environmental protection.

6. ANY LESSON FROM THE PASDEP?

The PASDEP was Ethiopia's five years strategic plan for the period 2005/06-2009/10.⁴³ It was formulated with the intent to lay out directions for accelerated, *sustained*, and people-centered economic *development* as well as to pave the groundwork for the attainment of the *MDGs* by 2015.⁴⁴ In order to achieve these objectives, the PASDEP provided for eight pillar strategies which are building all-inclusive implementation capacity; a massive push to accelerate growth; creating the balance between economic development and

⁴³ The vision of Ethiopia, specifically in the economic sector, under the PASDEP was building an economy which has a modern and productive agricultural sector with enhanced technology and an industrial sector that plays a leading role in the economy; sustaining economic development and securing social justice; and, increasing per capita income of citizens so that it reaches at the level of those in middle income countries. See PASDEP, *supra* note 1, p. 44.

⁴⁴ *Ibid.* Emphasis added.

population growth; unleashing the potentials of Ethiopia's women; strengthening the infrastructure backbone of the country; strengthening human resource development; managing risk and volatility; and, creating employment opportunities.⁴⁵ Therefore, as we can see, and like in the GTP, environmental protection is not expressly included in the objectives or the pillar strategies of the PASDEP. Nonetheless, it could be said that the PASDEP also recognized environmental protection. First, laying out directions for *sustained development*, which is in the objectives of the PASDEP, is not possible without protecting the environment. Second, the PASDEP aims to pave a way for the attainment of the MDGs, whereas one of the MDGs is environmental sustainability.⁴⁶ As a result, it could be argued that PASDEP's objectives embodied environmental protection. Moreover, the PASDEP contained, like the GTP, various stipulations which specifically and expressly deal with environmental protection. For instance, it recognizes the need to protect the environment based on the 1997 Environmental Policy of Ethiopia and also the need to ensure proactively the integration of environmental dictates into development.⁴⁷ This also shows that the PASDEP paid attention to environmental protection.

Therefore, one could normally expect Ethiopia's record in relation to environmental protection during the PASDEP to be good. Yet, the reality on

⁴⁵ PASDEP, *supra* note 2, p. 46.

⁴⁶ The Millennium Development Goals (MDGs) that the international community has agreed to achieve by 2015 are eight in number and they are eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality rate, improving maternal health, combating HIV/AIDS, malaria, and other diseases, *ensuring environmental sustainability*, and developing global partnership for development. Therefore, environmental protection is included in the eight MDGs the international community has consented to achieve by 2015. This information is available online.

⁴⁷ For more on the stipulations of PASDEP, see generally PASDEP, *supra* note 1, pp. 46, 189-191.

the ground does not seem to coincide with such expectation as there was no significant step taken to protect the environment in particular in the field of making and enforcing environmental policies, strategies, laws and standards.⁴⁸ A case in point is the EIA Proclamation which was enacted before the PASDEP⁴⁹ but which remained inadequate throughout the time of PASDEP as it was neither supplemented by secondary laws that could not facilitate its effective implementation nor seriously used in practice. This is true, to some extent, for other environmental laws, too.⁵⁰ Therefore, the lesson one could get from the PASDEP (or the fate of its stipulations relating to environmental protection) is not to invest too much trust in the words of the GTP because its stipulations may not seriously be converted to actions. On the contrary, even if our record of environmental protection during the PASDEP was not good, we can still hope for the best during the time of the GTP because we are now observing some promising measures being taken such as integrating environmental protection into sectoral laws, investing in

⁴⁸ For instance, in relation to the protection of the environment in general and the implementation of environment laws in particular, I made discussions with some persons at the Federal EPA, whose identities are kept anonymous, at various times such as in October 2010 and April 11, 2011.

⁴⁹ The EIA Proclamation was enacted in 2002.

⁵⁰ For example, most of the environmental laws that are in place at the moment are not supported by regulations which can facilitate their effective implementation despite authorizations from the House of Peoples' Representatives to issue such regulations. Moreover, we did not have new laws or amendments in some areas although laws dealing with some aspects of the environment were issued during this period. For example, from February 2005–July 2008, the House of Peoples' Representatives issued only six proclamations in the field of environment. From them, two were enacted to ratify a treaty, that is, the Kyoto Protocol Ratification Proclamation, Proclamation No. 439/2005 and the Comprehensive Nuclear Test-Ban-Treaty Ratification Proclamation, Proclamation No. 493/2006. The other four proclamations are Development Conservation and Utilization of Wild life Proclamation No. 541/2007, Forest Development, Conservation and Utilization Proclamation No.542/2007, Ethiopian Wildlife Development and Conservation Authority Establishment Proclamation No 575, and Radiation Protection Proclamation No 571. However, laws were not made in some of the most important areas. For example, there have not been any regulations issued under the Environmental Pollution Control Proclamation, Proclamation No. 300/3003. The situation is similar for the EIA Proclamation, Proclamation No. 299/2002, and the Solid Waste Management Proclamation, Proclamation No. 513/2007.

clean power sources, and undertaking conservation activities. (These measures will be discussed in detail later on).

7. PLACE OF ENVIRONMENTAL PROTECTION IN THE OROMIA GTP

The Government of the Region of Oromia also has its own GTP for the year 2003-2007 E.C. That being the case, one may ask if this GTP recognizes the need to protect the environment as does the FDRE GTP. A cursory look at its pillar strategies reveals that, like the FDRE GTP, it does not include environmental protection. Nevertheless, this does not mean that environmental protection is not given attention in the Oromia GTP.

For example, one of the pillar strategies of the Oromia GTP is *bringing about fast and sustainable economic growth*.⁵¹ On the other hand, it is obvious that environmental protection is an implied element in this pillar strategy as it is not possible to have *sustainable* economic growth without environmental protection. At this juncture, it is legitimate to closely examine this pillar strategy of the Oromia GTP and question if *fast* and *sustainable* are not oxymoron within the context of development. Indeed, although the term *fast* is vague, bringing about fast economic growth while trying to be sustainable is going to be a big challenge, not impossible.

Moreover, there are sections in the Oromia GTP which specifically deal with environmental protection. To begin with, section 4.16 states that in the last five years [during the PASDEP], monitoring activities were conducted 167 times in relation to 57 factories, as a result of which 15 factories from those

⁵¹See section 2.2., *Karoora Guddinaa fi Tiraansifoormeshinii Waggaa Shanii (2003-2007) Mootummaa Naannoo Oromiyaa*, page 28.

which had problems were made to improve the manner of their operation to ensure environmental protection.⁵² Regardless of this measure, this section of the Oromia GTP declares that attention must be given to the use of EIA in relation to the investment activities taking place in the Oromia Region to ensure environmental protection.⁵³ The fact that the Oromia GTP specifically mentions the necessity to use EIA is very important because such recognition reveals that there is enough awareness about the relevance of EIA to environmental protection by the Region's policy-makers.

Another important section in the Oromia GTP is Section 5.1.7. This section vividly declares that *to increase production and productivity and to conserve and transfer natural resources to the future generation, natural resources protection and conservation need serious attention which, in turn, requires the efforts of the Regional Government and the involvement of its people.*⁵⁴ This is a section with paramount importance because it recognizes that environmental protection is necessary not only for the present generation but also for the future generation.

Finally, it is worth mentioning that the Oromia GTP recognizes the need to include environmental protection in educational curriculum.⁵⁵ This is another scintillating stipulation because if environmental protection is made part of educational curriculum, it will be possible to cultivate sense of environmentalism and to increase environmental awareness at an early stage.

In conclusion, although the pillar strategies of the Oromia GTP do not include the need to protect the environment, the reading of its different

⁵² Id., Section 4.16, pp 8-9.

⁵³ Id., Section 4.16, pp 8-9.

⁵⁴ Id., Section 5.1.7, pp 100.

⁵⁵ Id., Section 6.1.1, pp 151.

sections reveals that it actually recognizes the importance of protecting the environment. In fact, it expressly recognizes that environmental protection is in the interest of both the present and the future generations. Hence, it can be safely argued that one can use the Oromia GTP, in the same way anyone can use the FDRE GTP, to advocate better protection of the environment of the Region in the years to come.

8. POST GTP ENVIRONMENTAL PROTECTION MEASURES

It is now about two years since the GTP was launched. Hence, it would be appropriate to question what has been done since then in the field of environmental protection in line with what is stipulated in the GTP. For example, the GTP requires, among other things, formulating environmental policies, strategies, laws and standards, and implementing same to protect the environment. Thus, the question would be whether any measure has been taken in this regard.

Fortunately, it is possible to mention some positive measures that have been taken after the GTP was launched and which can promote environmental protection. For example, to mention some legislative measures, the FDRE Parliament enacted Investment Proclamation 769/2012. The Proclamation contains, unlike its predecessor, Proclamation 280/2002 and its amendment, some stipulations which could be used to contribute to environmental protection. In this regard, article 38 of the Proclamation states: “Any investor shall have the obligation to observe the laws of the country in carrying out his investment activities. In particular, he shall give due regard to environmental protection.” As one can discern from this article, the Proclamation attaches greater importance to environmental protection because, although it requires investors to observe all the laws of the country,

it in particular requires them to give due regard to environmental protection. On the other hand, investors can give due regard to environmental protection only if they observe the laws pertaining to environmental protection. At the moment, Ethiopia has myriad of environmental laws. Hence, according to article 38, investors must observe any of these laws they may come across in the course of doing their business.

At this juncture, it must be noted that legislative measures could be adopted by the regional governments as well. For instance, recently (in 2012), the Oromia Regional Government has enacted Environmental Pollution Control Proclamation to deal with issues of environmental pollution. Thus, despite its limited territorial application (as it applies only to the Oromia Region), the effective implementation of this Proclamation will undeniably contribute to the protection of the environment of the country in particular given the fact that Oromia is the largest region in Ethiopia.

As far as non-legislative measures are concerned, we can mention, for example, the various conservation activities that have been taking place at different levels to deal with environmental problems.⁵⁶ In this regard, it is nowadays common to watch reports, for example, on Ethiopian Television and Oromia Television about the different conservation activities such as planting trees and making terrace that are taking place.⁵⁷ This could be taken

⁵⁶ Interview with Mr. Solomon Kebede, Director, Environmental Standards Program Directorate, Federal EPA, Addis Ababa, 26 January 2012. Of course, such measures were taking place even before the GTP was launched. Therefore, it could be argued that such measures are not necessarily meant to implement the GTP in respect of environmental protection. On the other hand, so long as they are taking place and they are able to contribute to environmental protection, one can take them as post GTP environmental protection measures.

⁵⁷ For example, on 26 and 27 January 2012, there was a program on TV Oromia about the plantation and terracing activities that were undertaken in around Harar by the local community. Similarly, there was a report on ETV on 28 January 2012, on 1:00 pm news,

as one of the necessary steps to protect the environment as these measures can deal with certain environmental challenges like soil erosion and deforestation.⁵⁸ For example, according to some studies, at the beginning of the 20th century, 60% of Ethiopia was covered by forest. At the moment, it is only about 3% of Ethiopia that is covered by forest. This shows that deforestation is/was one of the major environmental problems in Ethiopia.

At this juncture, one may wonder what type of miraculous deforestation happened to reduce Ethiopia's forest cover from 60% to about 3% in less than a century. According to one writer,⁵⁹ the fascist Italians are to blame for such horrendous deforestation. The writer states that automatic saws were first introduced to Ethiopia by the fascist Italian soldiers. Then, within five years of their occupation, these soldiers cleared 20% of the total forests of the country. Indeed, during this time, the Italians, in addition to satisfying their domestic need for forest products, became the suppliers of forest products to European markets. Sadly, after the Italians left, some Ethiopians substituted themselves in their shoes and continued to clear the forests and export them to foreign markets. In about 30 years, a relatively longer period as compared to the Italians' sojourn, the Ethiopians cleared more forests than

about the soil conservation measures in the SNPPRS to facilitate the attainment of green development. Similarly, there was a report about soil conservation measures and plantation of trees in Oromia region to contribute to the green development. These reports show that the public is being mobilized to carry out environmental protection activities.

⁵⁸ According to someone at the Federal EPA, although the conservation measures that are taking place are necessary to deal with certain environmental problems, they are not based on prior study. For example, tree plantation leads to reduction of water run-off as it recharge underground water which may in turn affect the interests of people living downward. On the other hand, if such measure is based on prior study, a compromise formula could found whereby the interests of everyone concerned could be promoted. Interview with one Official at the Federal EPA who preferred to remain anonymous, Addis Ababa, 27 January 2012.

⁵⁹ ኮሎኔል መንግስቱ ኃይለማርያም፡ ትግላችን፡ የኢትዮጵያ ሕዝብ አብዮታዊ የትግል ታሪክ፤ ቅፅ 1፤ (አዲስ አበባ፤ ፀሃይ አሳታሚና አከፋፋይ ድርጅት፤ 2004 ዓ.ም.)፡ገፅ 60፡፡

the fascist Italians did. As a result, at the time the military government, the *derg*, took power, it was only 4% of the country that was covered by forests.

So, the above paragraph reveals that the tragic environmental catastrophe that happened to our forests occurred because the expulsion of the Italians was not followed by the expulsion of their automatic saws. Indeed, from the perspective of environmental protection, it could be argued that the automatic saws were some of unnecessary legacies of the fascist Italians' occupation. What is worse is the fact that soil erosion is corollary to deforestation. For example, according to some environmentalists, the wanton destruction of Ethiopia's forests led to a large scale erosion of the country's top/fertile soil.⁶⁰ On the other hand, the current measures of reforestation and afforestation will enable us to reclaim what we had lost in the bygone days. This will, in turn, contribute to soil conservation together with the other measures, such as terracing, that are being taken.

Another measure that one can mention as a positive post GTP step, in fact, as a giant step towards environmental protection, is the preparation of a policy document called *Ethiopia's Vision for A Climate Resilient Green Economy* (CRGE) or *Ethiopia's Climate-Resilient Green Economy: Green Economy Strategy*, 2011.⁶¹ This document, which was presented by H.E. former Ethiopian Prime Minister Meles Zenawi on the Durban Climate Change Conference in South Africa, was prepared and approved jointly by the Office of the Prime Minister, the Ministry of Finance and Economic Development,

⁶⁰ See Dessalegn Rahmato, *Environmental Change and State Policy in Ethiopia: Lessons from Past Experiences*, FSS Monograph Series 2 (Addis Ababa, Forum For Social Studies, 2001) p. 33 and the following.

⁶¹ The document that outlines Ethiopia's Vision for A Climate Resilient Green Economy could be obtained from the Federal EPA.

and the Federal Environmental Protection Authority (EPA).⁶² It aims at setting out the challenges and opportunities which climate change brings for Ethiopia, making a case for why carbon neutral and climate resilient development trajectory to green economy is a priority for Ethiopia and thus for the implementation of the GTP, explaining what the Federal EPA is doing on behalf of the FDRE to lead and coordinate an efficient and effective national response to climate change, describing the steps that are needed to transform Ethiopia's economy to carbon neutral and climate resilient, and clarifying the roles and responsibilities of stakeholders in the realization of Ethiopia's vision to bring about carbon neutral and climate resilient economy. In fact, Ethiopia has planned to be a carbon neutral economy by 2025.⁶³

Therefore, the CRGE sets out lofty goals the attainment of which could contribute to environmental protection in Ethiopia. This necessitates considering the implementation side of the CRGE to know to what extent the protection of the environment is promoted by the CRGE. However, at the moment, this job cannot be done as it is too early to make any assessment about the impact of the CRGE on the ground.⁶⁴ Hence, any valuable assessment of the conversion of its words to actions has to wait a while.⁶⁵

⁶² Interview with Mr. Solomon Kebede, supra note 56.

⁶³ See generally FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, Ethiopia's Climate-Resilient Green Economy: Green Economy Strategy/Ethiopia's Vision for A Climate Resilient Green Economy (2011) (available at the Federal EPA).

⁶⁴ Brief discussion with Mr. Dereje Agonafir, Director, Environmental Units Program Directorate, Federal EPA, 26 January 2012.

⁶⁵ It is important to note at this juncture that the CRGE focuses highly on tackling the problems posed by climate change. On the other hand, environmental challenges are not limited to climate change although climate issues have now become more topic as we can see from the repeated international conferences taking place at various places around the world. Of course, it is obvious that measures that are taken to deal with climate change problems can incidentally address other environmental issues. For example, afforestation or reforestation can soil erosion while serving as a carbon sink.

Another measure that could be mentioned as post GTP and that is capable of promoting environmental protection is the attempts that are being made to use clean energy sources.⁶⁶ For example, Ethiopia has recently started constructing wind power projects⁶⁷ which include the 300 MW Aysha Wind Farm near the Djibouti border, the 100 MW DebreBirhan Wind Farm north of Addis Ababa, the 100 MW Assela Wind Power Project southeast of Addis Ababa, and the 153 MW Adama II Wind Power Project.⁶⁸ Similar measures have been taken in relation to the construction of geothermal power plant as well.⁶⁹

Therefore, the above examples reveal that measures that can promote environmental protection are being taken after the GTP was launched. Hence, if such measures are diversified and sustained in the years to come, we will have better environmental protection under the GTP.⁷⁰ Of course, although about two years have passed since the launching of the GTP, there has not been any environmental law that was issued to strengthen environmental protection in Ethiopia despite the fact that some laws are badly needed in certain areas of the environment. Yet, and once again, since

⁶⁶ For instance, some cement factories have started using, to some extent, solar energy.⁶⁶ This is a contribution to environmental protection since it reduces, regardless of its magnitude, the use of fissile fuel which causes air pollution. Thus, other factories could also be required to use such source of energy to the extent possible. Interview with Mr. Solomon Kebede, *supra* note 56.

⁶⁷ According to Ethiopian Electric Power Corporation, Ethiopia has substantial wind power resources and hence it sees wind power as a clean energy complement to its hydropower generating capacity of the country. Andrew Burger, *Africa at the Energy Crossroads: Ethiopia Launches 6 Wind, 1 Geothermal Power Project*, available at <http://cleantechnica.com/2011/11/26/ethiopia-launches-six-wind-one-geothermal-power-project> (accessed on 28 January 2012)

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ However, it is said that certain regressive measures are being taken side-by-side with environmental protection measures. For instance, the Ministry of Industry has allowed some cement factories to import and use coal which is taking place at the moment. Interview with one official at the Federal EPA who demanded anonymity, 27 January 2012.

the beginning shows that some of the words in the GTP are being converted to actions and the GTP has some years to go, there is every reason to believe that the words of the GTP may be converted to actions with a view to furthering environmental protection.

9. CONCLUSION AND RECOMMENDATION

The GTP recognizes the need to protect the environment. It, among other things, recognizes the need to issue new instruments to protect the environment and to effectively enforce them together with the existing ones. As a result, although our experience does not warrant investing too much trust in the words of a document, one may expect the situation of environmental protection in Ethiopia to be better during the GTP provided, of course, that the opportunities that the GTP has presented are seized and exploited. In this regard, there is a beacon of hope since some measures-legislative and non-legislative-have already been taken. Hence, it is recommended that the words of the GTP must be put into effect to the fullest extent possible so that environmental protection is facilitated. This will ultimately facilitate the achievement of the overall objectives of the GTP. Thus, Ethiopia in particular the federal government must, *inter alia*, make laws or amend the existing environmental laws, as the case may be, with the intent to remedy the inadequacies or gaps or generalities they contain and pay serious attention to their effective implementation. Besides, regional governments should also take measures that are necessary to ensure environmental protection. In this regard, they can follow the suit of Oromia by, for instance, making their own environmental laws.