PROCLAMATION NO. 295/2002
A PROCLAMATION PROVIDED FOR THE ESTABLISHMENT OF ENVIRONMENTAL PROTECTION ORGANS

WHEREAS, assigning responsibilities to separate organizations for environmental development and management activities on the one hand, and environmental protection, regulations and monitoring on the other is instrumental for the sustainable use of environmental resources, thereby avoiding possible conflicts of interests and duplication of efforts;

WHEREAS, it has become necessary to establish a system that fosters coordinated but differentiated responsibilities among environmental protection agencies at federal and regional levels;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE
General

1. Short Title

This Proclamation may be cited as the “Environmental Protection organs Establishment proclamation No. 295/2002.”

2. Definition

Unless the context requires otherwise, in this proclamation:

1) “Authority” means the Environmental Protection Authority re-established under Article 3 of this proclamation;
3. Establishment

1) The Authority is hereby re-established as an autonomous public institution of the Federal Government.

2) The Authority shall be accountable to the Prime Minister.

4. Head Office

The Head office of the Authority shall be in Addis Ababa and it may have branch offices as necessary.

5. Objective of the Authority

The objective of the Authority is to formulate policies, strategies, laws and standards, which foster social and economic development in a manner that enhance the welfare of humans and the safety of the environment sustainable, and to spearhead in ensuring the effectiveness of the process of their implementation.

6. Powers and Duties of the Authority

The Authority shall have the powers and duties to:

1) coordinate measures to ensure that the environmental objectives provided under the Constitution and the basic principles set out in the environmental Policy of Ethiopia are realized;

2) prepare, review and update, or as necessary, cause the preparation of environmental policies strategies and laws in consultation with the competent agencies, other concerned organs and the public at large and upon approval, monitor and enforce their implementation;
3) liaise with competent agencies in the field of environmental protection and rehabilitation and support them in capacity development;

4) establish a system for environmental impact assessment of public and private projects, as well as social and economic development policies, strategies, laws, and programmes;

5) where projects are subject to federal licensing, execution or supervision or where they are likely to entail inter-regional impacts, review environmental impact study reports of such projects and notify its decision to the concerned licensing agency and, as may be appropriate, audit and regulate their implementation in accordance with the conditions set out during authorization;

6) in cooperation with competent agencies, carry out studies to combat desertification and/or mitigate the effects of drought and prepare corrective measures and create favourable conditions for their implementation;

7) in consultation with the competent agencies, set environmental standards and ensure compliance with those standards;

8) in consultation with competent agencies, take part in the negotiations of international environmental agreements and, as appropriate, initiate or cause the initiation of a process of their ratification;

9) in consultation with the competent agencies, formulate, or initiate and coordinate the formulation of policies, strategies, laws and programs to implement international environmental agreements to which Ethiopia is a party; and upon approval, ensure their implementation;

10) in consultation with competent agencies, formulate environmental safety policies and laws on the production, importation, management and utilization of hazardous substances or wastes; as well as on the development of genetically modified organisms and the importation, handling and utilization of genetically modified and alien species, and upon approval, ensure their implementation;

11) in cooperation with the competent agencies, prepare or cause the preparation of environmental cost-benefit analysis formulate and an accounting system to be used in development plans and investment programs and, as the case may be, monitor their application;

12) in consultation with the competent agencies, propose incentives or disincentives to discourage practices that may hamper the sustainable use of natural resources or the prevention of environmental degradation or pollution;

13) in consultation with the competent agencies, establish an environmental information system that promotes efficiency in environmental data collection, management and use;

14) coordinate, promote and, as may be appropriate, carry out research on environmental protection;

15) in accordance with the provisions of the relevant laws, enter any land, premise or any other place that falls under the federal jurisdiction, inspect anything and take samples as deemed necessary with a view to discharging its duty and ascertaining compliance with environmental protection requirements;

16) prepare and avail to the government as well as the public a periodic report on the state of the environment of the country;
The Authority shall have:

1) an Environmental Council herein after referred to as Council shall have the following members:

(a) the Prime Minister or his designate (Chairman)
(b) members to be designated by the Federal Government.
(c) a representative designated by each National Regional State,
(d) a representative of the Ethiopian Chamber of Commerce,
(e) a representative of local environmental governmental organizations, and
(f) a representative of the Confederation of Ethiopian Trade Unions, and
(g) The Director General of the Authority.

8. Members of the Council

The Council shall have the following members:

(a) the Prime Minister or his designate (Chairman)
(b) members to be designated by the Federal Government.
(c) a representative designated by each National Regional State,
(d) a representative of the Ethiopian Chamber of Commerce,
(e) a representative of local environmental governmental organizations, and
(f) a representative of the Confederation of Ethiopian Trade Unions, and
(g) The Director General of the Authority.

9. Responsibilities of the Council

The Council shall:

1) review proposed environmental policies, strategies, and laws, and issue recommendations to the government;
2) based on report submitted to it by the Authority, evaluate and provide appropriate advice on the implementation of the environmental policy of Ethiopia;
3) review and approve directives, guidelines and environmental standards prepared by the Authority.

10. Meetings of the Council

1) The Council shall hold its regular meetings once every six months, but it may also, at any time, hold extraordinary meetings whenever deemed necessary.
10. Powers and Duties of the Director General

1) The Director General shall be the head of the Authority and, as such, shall direct and administer the activities of the Authority.

2) Without limiting the generality stated in Sub-Article (1) of this Article, the Director General shall:
   a) exercise the powers and duties of the Authority specified in Article 6 of this Proclamation;
   b) employ and administer employees of the Authority in accordance with the federal civil service laws;
   c) prepare and, upon approval, implement the annual work programme and budget of the Authority;
   d) effect expenditure in accordance with the approved budget and work programme of the Authority;
   e) represent the Authority in all its dealings with third parties; and
   f) submit reports on the activities of the Authority.

3) The Director General may, to the extent necessary for the efficient performance of the activities of the Authority, delegate part of his powers and duties to the Deputy Director General, and to other officials and employees of the Authority.

12. Powers and Duties of the Deputy Director General

1) The Deputy Director General shall, in accordance with directives given by the Director General:
   a) support the Director General in planning, organizing, directing and coordinating the activities of the Authority;
   b) perform other activities directed by the Director General.

2) In the absence of the Director General carry out the powers and duties of the Director General.

13. Budget and Books of Account

1) The Federal Government shall allocate the budget of the Authority.

2) The Authority shall keep complete and accurate books of accounts.

3) The Authority’s books of accounts and financial documents shall be audited annually by the Auditor General or by other auditors designated by him.

PART THREE
Sectoral and Regional Environmental Units and Agencies

14. Sectoral Environmental Units

Every competent agency shall establish or designate an environmental unit that shall be responsible for coordination and follow-up so that the activities of the competent agency are in harmony with this Proclamation and with other environmental protection requirements.

15. Regional Environmental Agencies

1) Each national regional state shall establish an independent regional environmental agency or designate an existing agency that shall, based on the Ethiopian Environmental Policy and Conservation Strategy and ensuring public participation in the decision making process, be responsible for:
   a) coordinating the formulation, implementation, review and revision of regional conservation strategies, and
   b) environmental monitoring, protection and regulation.
Regional environmental agencies shall ensure the implementation of federal environmental standards or, as may be appropriate, issue and implement their own no less stringent standards.

Regional environmental agencies shall prepare reports on the respective state of the environment and sustainable development of their respective states and submit them to the Authority.

PART FOUR
Miscellaneous Provisions

16 Repealed Laws
1) Environmental Protection Authority Establishment Proclamation No. 9/1995 is hereby repealed.
2) All laws inconsistent with this Proclamation are inapplicable regarding matters provided herein.

17. Effective Date
This Proclamation shall enter into force as of the 31st day of October, 2002.

Done at Addis Ababa, this 31st day of October, 2002.

GIRMA WOLDE GIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA