

Constitution for the Establishment of an Environmental Law and Policy Center



Haramaya University College of Law

I. Introduction and Background

Haramaya University began as a College of Agriculture in 1952 through a technical assistance agreement between Ethiopia and the United States of America, in order to train agriculturists at the Bachelor of Science degree level , and to help modernize Ethiopian agriculture and agricultural education. The University thus has a 57-year tradition in agriculture and strong connections to farming operations all over Ethiopia. The College of Agriculture now boasts 14 masters programs and five PhD programs and has a reputation as the premier agricultural institution in Ethiopia. The College of Agriculture also has shown a great interest in environmental issues by establishing a separate Environmental Science program in 2007 with the vision of becoming a leading center of environmental research in Africa.

In all of its programs, including Haramaya is noted for the high academic standards of its graduates. And all College programs are tasked with promoting research, improving community outreach and development, and engaging in teaching and capacity building.

In addition to the Environmental Science program, new colleges have been added to the University in recent years, including the College of Law in 2002 (1995 E.C.). The College started with 100 students in the L.L.B program and 130 students in the diploma program and has grown to over 750 students and over 30 instructors including local and expatriate staff and part-time practitioners. In response to the new national law curriculum developed by the Justice and Legal System Research Institute, as well as other concerns, the College intends to develop areas of specialization, in areas including human rights and environmental law. At the same time the College aspires to develop research capacity and community outreach programs.

Therefore Haramaya University and the College of Law are poised to contribute significantly to the local, national, and international dialog regarding

environmental law and policy. In fact, the national government has done much to address environmental degradation in its policies. The FDRE Constitution ensures the right to a clean and healthy environment and sets out the duty to protect the environment. There is a National Environmental Policy that sets out policy goals such as the preservation of ecosystems, sustainable exploitation of nonrenewable resources, and improvement of the environment of human settlements. In addition the government has developed the Plan for the Accelerated and Sustained Development to End Poverty that includes strategies to address land degradation. For all of these reasons and more, it is an excellent time to do work in Ethiopian environmental policy, and the Haramaya University College of Law is ideally positioned to do that work.

II. Need Assessment for Environmental Law and Policy Center

A Center focusing on Environmental Law and Policy is needed to address pressing environmental issues in Ethiopia and to remedy the general lack of legal scholarship in this area. Ethiopia has very few institutions to deal with environmental law and policy aside from the federal Environmental Protection Authority (EPA) and regional environmental authorities. And while international NGOs have addressed environmental problems in Ethiopia, there is no single permanent institution in higher education devoted to environmental policy problems. Haramaya's Center for Environmental Policy will be the first of its kind.

Ethiopia, like other developing nations with increasing populations, faces significant environmental problems. Ethiopia's rural farmers and pastoralists are dependent upon the natural environment to support their livelihoods. These people face terrible problems such as soil erosion, loss of soil nutrients, deforestation, and water shortages. These problems, in turn, endanger these peoples' livelihood, and their well-being.

Research is thus needed on both national environmental policies, and also on their regional and local implementation. In addition to the national environmental policy initiatives mentioned above, part of the responsibility for implementing national environmental goals is borne by local and regional governments, including the administration of land and natural resources. Moreover, private individuals and corporations often seem to be acting not only in violation of Ethiopian environmental law and policy, but in ignorance of it. Thus national environmental policy, its regional implementation, and its local conduct all need to be reported on, developed, taught and studied.

III. Mission Statement of the Center

The Environmental Policy Center strives to protect the natural environment of Ethiopia by linking national environmental policy to local action; by promoting scholarship on environmental law; by bringing together academics, practitioners, and policy makers to discuss major environmental policy issues; and by increasing public awareness of environmental laws and regulations.

IV. Objectives of the Center

The following objectives are to give guidance to the director and project coordinator in performing their duties and to provide clear focal points that can be consulted when developing projects and research proposals. The objectives of the Center are:

1. To improve legal education

The Center will work to improve the education of law students at the College of Law and involve students more closely in research activities by including the results of current research efforts in the regular curriculum; by bringing in students to assist in Center research; and by promoting lecture series and seminars on current environmental law topics that students can attend. These

efforts should result in a cutting-edge education in environmental law and policy, giving our graduates a distinct advantage in this area.

2. To conduct research on environmental law and policy

Environmental policy is a wide subject area with links both to other legal areas, and to many other disciplines like agriculture, natural resource management, and environmental science. Potential areas for research include (1) land tenure and land degradation, (2) investment policies and their effects, (3) watershed management and water rights, (4) sustainable development, (5) trade and the environment, and (6) gender and the environment.

This is not meant to be an exhaustive list. Research in environmental policy also implicates such areas as economic regulation, intellectual property law, property law, and gender and the law. To begin, such research could examine the pressures brought to bear on the environment by local and international economies. Thus the EPC could examine international trade in agricultural products and the intersection of environmental protection and commercial farming interests. Patent law also plays a strong role in shaping local agricultural economies and preserving the environment and would be an appropriate area for research. Property laws and inheritance laws similarly affect agricultural and pastoral practices and thus are relevant to environmental quality.

Finally, it is important as well to conduct research on the particular challenges for women posed by environmental degradation and the gender disparities caused by local agricultural and pastoral practices. The EPC can examine the connection between social norms and environmental degradation, as well as the problems of social breakdown that result from environmental stress. This should also include research on traditional ways of resolving conflicts over natural resources.

Research in environmental law topics will be encouraged in a variety of ways. The Center may host discussions and symposia that bring together technical experts, scholars, and local citizens and that stimulate ideas and provide forums for presenting studies. Many resources will be available through the Center such as books, articles, and websites, and the Center will facilitate contacts with relevant NGOs and government agencies. The Center also may provide some direct funding or other incentives to encourage research, for example by supporting a “fellow” who can devote all of his or her energy to environmental law research. Finally, through communication with the Environmental Protection Authority, the Center may be involved directly in writing and shaping the environmental laws and policies of Ethiopia.

3. To influence the public to comply with environmental laws and to engage in environmentally-sound stewardship of the land

The Center will work generally to improve local compliance with national environmental policy goals and facilitate sustainable land use by farmers and pastoralists. Thus, in pursuing its research activities, the Center will try to provide feedback on local environmental projects undertaken by NGOs and regional and local government offices. The Center also will help educate agriculturalists, pastoralists, and relevant local and regional government officials on environmental laws and best management practices. Such education may include training sessions, workshops, development and dissemination of layman’s guides to the law, and legal consultations. Agriculturalists and pastoralists may be given advice on water rights and proper use of water resources, and also on matters relating to their economic well-being, such as intellectual property rights and international trade issues. Citizen suits to enforce environmental laws may be encouraged and supported.

In general, a great deal of capacity building is needed at the local and regional levels to protect Ethiopia’s environment and fulfill the aspirations of the federal

policy. The Center will promote studies of local projects and of local compliance with the law and will help disseminate information about the requirements of law and about best management practices for sustainable land use. Many of Ethiopia's environmental problems can be solved only by stronger enforcement of the law and improved reporting from local areas to regional and national regulatory bodies.

In addition, many local conflicts have arisen over shared natural resources like water and pastureland both within a single community and among neighboring communities. These communities may be reluctant to use the courts and, in fact, may have their own traditional methods of dispute resolution. The Center may help to resolve such environmental conflicts by means of alternative dispute resolution, for example by providing legal consultations and even a forum for the parties to come together and resolve their conflicts.

V. Institutional Design of the Center

Name: *Environmental Policy Center*. This name was chosen because it has a great deal of international recognition (other "Environmental Policy Centers" exist abroad) and a broad subject scope. Environmental policy is concerned generally with the ways that government actions affect our activities on the land.

Location: Haramaya University Main Campus. The center will be based at the main campus and will have an office there to coordinate its activities.

Administration: the main administrators will consist of (1) Director and (2) Project Coordinator. The Director and Project Coordinator will be appointed (and removed) by the College of Law and might receive additional pay (a "top-up") in an amount determined by the Collage of Law.

The Director will be responsible for all the activities of the center. He or she will supervise all people working for the Center, promote new projects, raise funds

and write grants, and administer the budget of the Center. He or she will have discretion to use grant funds and those university funds given to him for the various needs of the Center and will have control over all projects of the Center. He or she can create new positions and assign or remove people (other than the next Director or Coordinator) as needed.

The Director will report to the dean of the College of Law twice a year, and once a year to the Advisory Board (at its annual meeting). The report is expected to include detail activities of the center from the past year and propose ideas and future projects for discussion.

The project coordinator will deal with all matters of implementation of projects, including coordinating research, obtaining resources like books and articles, and organizing meetings, training, symposia, and workshops. He will report to the director.

Other personnel: additional personnel might include (1) secretaries and/or librarian (2) research assistants, (3) research fellows. The director will determine the pay (if any) for these positions.

Interaction with other Haramaya Institutions: the Center will work with other institutions at the College of Law and the university to achieve its goals. In the case that the clinical branch of the Social Justice Center pursues a case with environmental issues, the Environmental Policy Center can provide expertise and other assistance. The Center may work with the Institute of Pastoral and Agropastoral Studies as well as others in the College of Agriculture on pertinent environmental research topics and on alternative dispute resolution mechanisms for local peoples.

Interaction with Regional Institutions: the center will work with regional executive, legislative and judiciary organs of the government in Harar, Haramaya

and Dire Dawa. It will also work with local and international non-governmental organizations that work on environmental issues in the region.

VI. Resource Assessment

The Center will have initial start-up costs from the university and will expand as more resources become available. The director will be required to vigorously pursue all funding opportunities for the Center by contacting NGOs, international educational institutions, and local and foreign governments. While the University will need to provide start-up money, it is hoped that the Center will eventually fund itself mainly through outside donors.

Resource Goals: the Center will strive to provide resources to many groups.

1. **Students:** the Center will have books and electronic resources to help students with research papers and upper-level courses in specialized subjects like Environmental Law, Land Law, and Water Law.
2. **Faculty:** the Center will provide some funding for research projects and sponsorship for fellows and will make available to the faculty other resources like books, electronic materials, computers, and printers.
3. **The Community:** the Center will host many public activities such as discussions, workshops, and dispute resolution forums, and will provide information to the public and respond directly to questions about laws and policies.

Available Resources: the Center will have the following resources at start-up.

1. A part of the College of Law budget will be used to buy a computer and printer;
2. Current law instructors will participate in the activities of the Center;

3. Relevant books from the College of Law collection may be taken and duplicated for use by the Center.

Needed Resources: This is not an exhaustive list:

Short term:

1. More books, journals, and electronic sources of materials;
2. Additional computers, copiers, and printers;
3. A fund to support capacity building activities like workshops;

Long term:

4. Librarians, research assistants, and secretaries;
5. A fund to support visiting scholars and research fellows;
6. A fund to support Center publications;
7. Vehicle for field work.