

# **Climate Justice Concerns and Human Rights Trade-Offs in Ethiopia's Green Economy Transition: The Case of Gibe III**

*“What are you doing? You are talking about green economy to protect human rights. But at the same time this is causing problems on the local people. You are taking away their land, which means their right to food, their right to life [...].” (Interview Domestic NGO, Ethiopia).*

## **ABSTRACT**

In this research article, I emphasize the meaning of procedural rights for just transition to Green Economy. I argue that different justice arguments play a role in the context of Green Economy policies but can be traded-off against one another. Whereas intergenerational and international injustice can be diminished by zero-carbon policies, Green Economy transition processes can exacerbate already existing intrasocietal injustices. This is even more the case if vulnerable societal groups cannot participate and are not adequately represented in repressive political systems. In such cases, installing procedural justice mechanisms and comprehensively considering different justice concerns in Green Economy policies can lead to more sustainable outcomes. My empirical analysis focuses on Ethiopia as a case study placing an emphasis on the hydroelectric Gibe III dam. Empirically, it is based on a content analysis of policy documents and field research comprising expert interviews with governmental representatives, international organizations and civil society.

## **INTRODUCTION**

The link between human rights and environmental degradation was initially established at the 1972 Stockholm Declaration on the Human Environment with the recognition that an

environment of a certain quality is necessary for human beings to lead a life of dignity and well-being. Since then, there have been several attempts to conceptualize the relationship between human beings and the environment, including the adoption of the 1992 Rio Declaration on Environment and Development defining the economic, social and environmental pillars of sustainable development. In the face of increasing environmental challenges, green economy concepts fostering initiatives that promise economic growth, are ecosystem-friendly and contribute to poverty alleviation at the same time came to the fore (UNDESA et al., 2012: 4). Green economy can be understood to be in consistence with sustainable development (UNEP, 2011). However, balancing the three pillars has continuously been a problem: Economic development projects often involve undue environmental costs and exacerbate social injustices.

Therefore, green economy policies are increasingly evaluated in the light of justice (Okereke and Ehresmann, 2015; Bratman, 2015; Stevis and Felli, 2015). In this strand of research, scholars accentuate the need to systematically investigate the relationship between economic development and socio-environmental justice. Of particular importance is the establishment of “just transition” strategies (ILO, 2012; Stevis and Felli, 2015). Although it is yet unclear how exactly policies of just transition need to be designed, first research results point to the significance of procedural justice principles. These comprise, among others, the quality of participation mechanisms in the transition process (Bratman, 2015).

Following up on these considerations, I argue that different justice considerations play a role in the context of green economy policies. Whereas altering, carbon-neutral energy and consumption patterns are relevant for preventing intergenerational injustice, providing assistance to developing countries for mitigation and adaptation costs can be an attempt to reduce international injustice. Transition to green economy, however, can seriously exacerbate intrasocietal injustices that already exist within countries. This is even more the

case if particularly vulnerable segments of society are unevenly affected by green economy policies but cannot participate in decision-making. Here, we can observe a trade-off: policies are designed to foster human rights and well-being in the future. Their rigorous implementation, however, leads to immediate rights infringements of certain societal groups. In such cases, installing principles of procedural justice might be a solution, but these are very likely to be neglected by repressive state governments fearing democratization effects through increased access to information and participation. Thus, the state and respective political system play a crucial role in just green economy transition and the international community needs to consider making procedural justice mechanisms obligatory for green economy policies supported by international organizations (IOs) and financial institutions.

The main objective of this paper is to connect climate justice scholarship, that often originates in Political Theory and Philosophy, with empirical studies on green economies. In order to do so, I review the climate justice literature and build an analytical framework around the dimensions of intergenerational, international and intrasocietal justice. I argue that green economy policies will only be viable and sustainable if all these justice concerns are comprehensively considered. To underscore my arguments, I revert to empirical evidence from Ethiopia examining its “Climate Resilient Green Economy” (CRGE), and in particular its Gibe III dam in light of the analytical framework developed.

The authoritarian Ethiopian government has initiated an ambitious “Climate Resilient Green Economy” (CRGE) strategy in 2011 (GoE, 2011a) and aims at becoming the African leader in low-carbon economic growth. This vision entails fostering Ethiopia’s growth to develop into a middle-income country by 2025 (GoE, 2011a). Hydropower generation is a key priority in the CRGE. Gilgel Gibe III is currently the biggest and most representative Ethiopian dam project according to the Ministry of Water and Energy (MoWE, 2014)<sup>1</sup>. Planning and building the

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<sup>1</sup> Once the Grand Renaissance Dam is in operation, this will be the largest dam in Ethiopia.

dam had already started before the CRGE was officially adopted. However, the Ethiopian government integrated Gibe III into its CRGE strategy and considers it as one of its most representative hydropower projects under the Green Economy policy framework (GoE, 2015). In the Ethiopian Herald, Wubete calls Gibe III a “milestone for building Ethiopia’s green economy” (Wubete, 2017) and Kudama asserts that “Gilgel Gibe III contributes big share in ensuring the endeavour of nation’s pursuing the Climate Resilient Green Economy (CRGE)” (Kudama, 2016). This is why I selected the Gibe III hydroelectric dam as a single case study. Empirically analyzing a single case helps to understand various perspectives of the transition process in-depth.

In the following section of this paper, I categorize the climate justice literature along the dimensions of intergenerational, international and intrasocietal injustice. Then, I introduce the concept of green economy as well as critical questions and justice concerns raised in relation to it. In the next part, I present methodical considerations, the case study on Ethiopia’s Gibe III dam and the empirical analysis pertinent to the dimensions of climate justice. Finally, I conclude with a brief discussion of the results.

## **DIMENSIONS OF CLIMATE INJUSTICE**

Considerations on climate justice are characterized by conceptual uncertainty. What various concepts have in common is a relational understanding of justice meaning that it needs to be achieved *between* different actors. Another commonality is the departure from a situation of injustice highlighting that climate change consequences exacerbate already existing inequalities (Vanderheiden, 2004). Another common denominator is that injustice in the context of climate change pertains to a situation, in which those who are the least responsible for greenhouse gas (GHG) emissions are the ones most affected and most vulnerable to climate impacts – and have the fewest resources to adapt. Kuehn (2000) conceptualizes

environmental justice, including climate justice, by differentiating four distinct elements: (a) distributive justice, (b) procedural justice, (c) corrective justice, and (d) social justice. Whereas distributive justice focuses on equal access to resources and corrective justice requires remedying harm, social justice is much more encompassing, integrating environmental, racial, and socio-economic concerns into a broader justice agenda (Kuehn, 2000). Procedural justice is again different as it does not focus only on *just outcomes* but emphasizes the need for *just processes*, which are particularly important in the context of green economy transitions.

The character of justice relations discussed in the literature varies according to the actors affected. Whereas some authors highlight justice concerns between states (international injustice), others point to injustice between social groups (intrasocietal injustice) or to an evolving injustice between past, present and future generations (intergenerational injustice)<sup>2</sup>. Deriving from these varying understandings, normative claims to diminish climate injustice differ considerably. A systematization of these dimensions can serve as an analytical framework to evaluate how green economy policies need to be designed in order to diminish climate injustice.

*International injustice* emphasizes that developed countries have utilized carbon-intensive industries to foster growth and developing countries (as well as emerging economies) shall not be able to do the same in the future (Moellendorf, 2014). Many developing countries are, in addition to that, already severely confronted with the consequences of climate change by facing changes in precipitation, extreme weather events, increasing floods and intensified droughts (OHCHR 2009). There is an imbalance between the contribution to climate change and related responsibilities (of developed countries), emerging harm resulting from that and lacking resources to adapt (of developing countries). This dimension of injustice is

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<sup>2</sup> An additional climate injustice dimension relating to the non-human world is interspecies justice (Nussbaum, 2006: 327).

historically grown; it has its roots in colonial times, has been reinforced with globalization processes and is reflected in current institutions (Humphreys, 2014). Shue (2014: 4) introduced climate injustice as “compound injustice”: whereas developed countries have used up the “cumulative carbon budget” (ibid: 324-327) to develop and accumulate wealth, developing countries cannot rely on fossil fuels for their development anymore – and lack appropriate resources to adapt to climate impacts. Normative claims in these debates are that climate change has to be halted, GHG emissions have to be reduced, energy and other consumption patterns need to alter, adaptation and mitigation costs have to be more equally distributed and fair institutions need to be created (Hiskes, 2009; Humphreys, 2014; Shue, 2014).

Harris, Chow and Karlsson (2013: 293), however, suggest to “[...] open up the traditionally closed box of ‘the state’, [to] see that the real divide is not so much between developed and developing states as it is between affluent and poor people”. Such *intrasocietal or intersocietal injustice* concerns refer to the relationship between groups within society, between different societies or between the state and society. Certain social groups are unequally exposed to the impacts of climate change to which they have contributed little. Those who are neglected and excluded from political processes by their governments often suffer more from inequalities triggered by climatic challenges (Humphreys, 2014: 138). Already existing inequalities between different societal groups are likely to deepen in the face of a changing climate. Thus, environmental or climate inequality “[...] reinforces and, at the same time reflects, other forms of hierarchy and exploitation along lines of class, race and gender” and may lead to situations of “double-discrimination” (Newell, 2005: 70 and 87). Concrete demands in this respect do not only refer to equity but also to participation on the basis of comprehensive information, transparency in environmental decision-making processes as well as access to judicial remedies (Schlosberg, 2009: 16).

*Intergenerational injustice* pertains to the relationship between previous, current and future generations. Past and contemporary lifestyles, marked by the consumption of fossil fuels and high GHG emissions, have led to injustice toward future generations who might not be able to enjoy a healthy environment anymore (Hiskes, 2009; Caney, 2006). Demands in relation to intergenerational justice comprise the establishment of environmental rights (Hiskes, 2009) and rights-protecting institutions (Shue, 2014). In light of the exhausted cumulative carbon budget (Shue, 2014, 324–327), there should be a “right to ecological space”, i.e. a right to an equitable share of the earth’s limited natural resources (Hayward, 2007: 445). The idea behind such considerations is to introduce constitutional environmental rights that oblige today’s representatives to adopt policies that take the interests of future generations into account fostering ways of indirect (intergenerational) democratic representation (Beckman and Page, 2008).

All of these dimensions of injustice can also overlap, which means that future generations of certain societal groups in developing countries are particularly exposed to climate injustice. Table one summarizes the dimensions of climate injustice.

**Table 1: Dimensions of Climate Injustice (about here)**

## **JUSTICE CONCERNS IN GREEN ECONOMY TRANSITION**

Green economy concepts emphasize the idea of fostering initiatives that promise economic growth, are ecosystem-friendly and contribute to poverty alleviation (UNDESA et al., 2012: 4). Ocampo (2012: 25) views green economic growth as a structural transformation with serious implications. The state is the central actor in this transformative process and usually invites investments by the private sector. IOs assume functions of coordinating cooperation. Transformation involves major changes not only in production but also in consumption. These

have to be initiated with a view to meeting the needs of present and future generations and to promoting equity between developed and developing countries as well as among societal groups (Khor, 2012).

Several critical questions regarding green economy can be raised: In which way can trade-offs be addressed? What role does the state play in regulating investments? How exactly can the responsibilities of the private sector in making investments *and* shaping an environmentally friendly economy be defined (Khor, 2012; Brand, 2012; Okereke and Ehresmann, 2015)?

Some authors question the compatibility of capitalism and ecological sustainability (Brand, 2012, p. 30). There is a risk of imbalance in realizing the three pillars of sustainability that may come at the expense of social development. Developing countries also fear that the transition to a green economy may be used to impose new forms of aid conditionalities (Khor, 2011). Several scholars emphasize tensions in the relationship between economic development and socio-environmental justice (Okereke and Ehresmann, 2015; Bratman, 2015). They accentuate the meaning of “just transition” strategies for initiating green economy policies including green jobs (ILO, 2012; Stevis and Felli, 2015: 5). Just transition already found entrance into the 2010 Cancun Agreements, the outcome declaration of the 2012 Rio+20 Summit and the preamble of the 2015 Paris Agreement. In just green economy transition, social and environmental concerns have to be taken seriously and equity challenges need to be investigated (Stevis and Felli, 2015: 11-12).

In the following, I will describe case selection and methods, before introducing a case study on Ethiopia’s Green Economy transition and more specifically, the establishment of the Gibe III dam. The case analysis demonstrates how different justice arguments are used in this transition process and how rights violations against societal groups are accepted for the sake of broader economic development.

## CASE SELECTION AND METHODS

Ethiopia is a unique country case, especially in Africa, due to its ambitious efforts of becoming the continent's green economy leader. The social problems that come with CRGE transition in Ethiopia's energy sector, and particularly Gibe III, however, are also representative of other cases and dam projects in Ethiopia and beyond, like Belo Monte in Brazil or Barro Blanco in Panama. In the case of Ethiopia, a new dimension is added to these problems; green economy transition in the context of Gibe III even constrains the human rights of local community groups in neighboring countries, i.e. in Turkana County in Kenya. Moreover, a state of emergency has been declared in Ethiopia for initially six months beginning in October 2016<sup>3</sup>, rigorously banning all anti-governmental protests in the country that were, amongst others, addressing development issues. These restrictive governmental actions in the context of green economy transition and the transboundary dimension make Ethiopia, and Gibe III, a politically significant case to study.

For this research, I have applied a two-step methodical procedure: First, I have conducted a qualitative content analysis of primary governmental and non-governmental documents (Mayring, 2015). Governmental documents analyzed comprise all documents on the CRGE available and accessible during field research in Ethiopia. These were, among others, Ethiopia's Growth and Transformation Plans (GoE, 2010), the Climate-Resilient Green Economy Strategy (GoE, 2011a), the specific CGRE policy for the Water and Energy Sector (GoE, 2015). My empirical analysis also considers reports from international non-governmental organizations (NGOs), including Human Rights Watch (HRW), International Rivers, Survival International. In a second step, I have supplemented this content analysis with 12 expert interviews conducted during field research in Ethiopia. In the course of data collection, I have tried to interview representatives from all ministries involved in the

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<sup>3</sup> A second state of emergency was declared in February 2018 after first Prime Minister Hailemariam Desalegn unexpectedly resigned from office.

development of the CRGE. Thus, four of the interviewees were representatives from the Ministry of Energy and Water (today: Ministry of Water, Electricity and Irrigation), the Ethiopian Environment Protection Authority, and the Ministry of Agriculture and Natural Resources. Furthermore, two experts from the governmental Ethiopian Development Research Institute and one expert from Addis Ababa University who substantially contributed to designing Ethiopia's CRGE could be interviewed. Two interviews were carried out with specialists from the United Nations Development Programme and the United Nations Environment Programme (UNEP) who were experts on Ethiopia's CRGE. Additionally, three interviews were conducted with representatives from domestic NGOs. One of them was an umbrella organization of environmental civil society groups, the other two experts interviewed worked directly with indigenous communities affected by Gibe III and provided social services to them. And finally, one more interview was conducted outside of Ethiopia with an international NGO that had terminated activities in the country after the *2009 Charities and Societies Proclamation* came into force.

I used MAXQDA, a qualitative content analysis and discourse analysis to evaluate my empirical material (Mayring, 2019; Fairclough and Fairclough, 2012). A deductive qualitative content analysis (e.g. Mayring, 2019) was applied to utilize prior theoretical knowledge, i.e. the analytical framework on climate justice I had developed, including the concepts intergenerational justice, international justice and intrasocietal justice in a new context, i.e. green economy transition in Ethiopia. This methodical procedure was helpful in achieving the objective of this paper and to analyze different justice considerations in relation to Ethiopia's CRGE and the Gibe III dam.

## **ETHIOPIA'S GREEN ECONOMY**

The Federal Democratic Republic of Ethiopia today is known as an authoritarian government which is “not free” according to Freedom House Index with a press and net status that is “not free”, political rights evaluated as “least free” (7/7, with 1 indicating “most free” and 7 indicating “least free”) and civil liberties that score 6/7 on that scale (FHI 2018). In 2009, the government adopted a *Charities and Societies Proclamation* entering into force in 2010. This is a law heavily restricting the activities of civil society in the country, in particular with respect to human rights and minority issues. The government also imposes severe restrictions on the press and the media (OHCHR 2015). In October 2016, the GoE declared a state of emergency for six months to regain governmental control over oppositional protest of various ethnic groups as a reaction to rigorous development programs. In March 2017, the state of emergency was extended for another four months. After Prime Minister Hailemariam Desalegn resigned from office in February 2018, a second state of emergency was declared. Tensions notably declined after Abiy Ahmed Ali took office as Ethiopia's first ethnic Oromo prime minister, the state of emergency was lifted by parliament in June 2018 and new democratic reforms are expected.

Ethiopia is often described as a developmental state with authoritarian attributes and ambitious economic growth (Clapham, 2017). The government's Growth and Transformation Plans I (2010/11-2014/15) and II (2015/16-2019/20) envisage major changes from an agricultural based economy to a manufacturing industry and stronger export orientation with the help of the Agricultural Development-Led Industrialisation (ADLI) initiative. Economic growth and state-led investments mainly take place in urban central areas leading to growing inequalities, unemployment and poverty in rural parts of the country where the majority of the population practices subsistence farming (Bekele, 2018; Devereux, 2010). Many governmental investments can be found in infrastructure projects, including hydroelectric

dams, powerlines, industrial parks and road networks. Despite of democratic concerns, increasing human rights violations and inequalities as well as shrinking political space for civil society actors, Ethiopia receives considerable international aid as a reliable partner to Western allies in security issues. Donor aid has often strengthened governmental efforts for self-determination and has not always supported local beneficiaries (Lie and Mesfin, 2018).

In 2010, the Ethiopian government adopted a five-year Growth and Transformation Plan (GoE, 2010). Within the framework of this development plan, the government formulated the ambitious objective of becoming a middle-income country in the next decade between 2020 and 2025. In order to achieve this, the Ethiopian government launched a green economy strategy in 2011 entitled Climate Resilient Green Economy (CRGE) initiative (GoE, 2011a).

### **Ethiopia's CRGE**

The GRCE strategy was formulated by the former Environmental Protection Authority under leadership of then Prime Minister, Meles Zenawi, who ruled the country between 1995 and 2012. The CRGE vision entails that Ethiopia does not only adapt to climate change but also takes the opportunity to transform its economy, to attract investments and to become an African leader in low-carbon growth (GoE, 2011b).

During field research in Ethiopia, several interview partners confirmed that economic development and commercial benefit played a key role in this planning process, in which the Prime Minister's Office was advised by the consultancy firm McKinsey & Company (Interview Ministry of Agriculture and Natural Resources). The CRGE policy document stipulates (1) fostering economic development and growth, (2) abatement and avoidance of future emissions and (3) improving resilience to climate change as the three main objectives of Ethiopia's green economy (GoE, 2011a: 19). Different sectors are envisaged to be transformed, including energy and agriculture but also industry, forestry and transport. The

Ministry of Environment, Forest, and Climate Change is responsible for CRGE inter-ministerial implementation coordination. In 2011, the government estimated that it would need over 50 billion USD for CRGE infrastructure development over the next five years (GoE, 2011a).

With its CRGE strategy, the government focuses on becoming a “green economy-frontrunner” (GoE, 2011a: 1). Other social aspects of development, such as public health, access to water and food security are clearly formulated to be “co-benefits” (ibid: 2). An illuminating example for the neglect of social issues in transforming the energy sector within CRGE is the Gibe III hydroelectric dam.

### **Gilgel Gibe III Dam**

Gibe III is currently the biggest dam project in entire Africa<sup>4</sup>. It is meant to deliver electricity to more than 80 million people, even to regions that have not yet had access to electricity (HRW, 2012). The dam is located about 300 kilometers southwest of the capital, Addis Ababa, at the Omo river. First power was generated in 2015 and all generators became operational at the end of 2016 producing 1,870 megawatts of electricity. The dam more than doubles Ethiopia’s current capacity so that it can sell energy to neighboring Sudan, Kenya and Djibouti. Project development and oversight are in the hands of the Ethiopian Electric Power Corporation. Salini Impregilo, an Italian construction company, has built the dam. The largest part of the funding was taken over by the Chinese Export Import Bank, whereas the Ethiopian government spent 572 million US Dollar of its national budget to finance the dam project. The GoE only conducted an environmental and social impact assessment three years after dam construction had already commenced and did not take transboundary impacts into

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<sup>4</sup> The Grand Renaissance Dam is still under construction but if completed, will be the largest dam in Ethiopia.

account (Avery 2017). After carrying out preliminary evaluation studies, the World Bank (WB), the European Investment Bank and the African Development announced in 2010 that they were no longer considering to fund Gibe III due to serious doubts relating to adverse social and environmental impacts (International Rivers, 2011). However, the WB had initially supported Gibe III and, in 2012, decided to provide financial aid for the Easter Electricity Highway Project funding transmission lines that enable Ethiopia to export energy, including energy generated by Gibe III, to Kenya. Thus, the WB played a highly controversial role in the context of this dam project (Mamme 2015).

### **Trade-Offs in Transition**

In expert interviews, representatives from the Ministry of Water and Energy (MoWE) emphasize that the electricity generated will help to improve the country's infrastructure, including schools and hospitals. Thus, the dam can be viewed as a precondition for realizing social rights (Interview MoWE\_2). Quite contrary, NGOs explain that Ethiopia's government does not necessarily think in terms of individual rights but rather focuses on large-scale development and uses rights arguments strategically – promising social rights improvements in the future to legitimize their actions (Interview International NGO).

The rigorous *transition* path followed by the government has led to serious rights infringements against indigenous peoples who depend on the river Omo for their living. Substantial empirical evidence for this can be found in reports published by Human Rights Watch (2012, 2015), International Rivers (2011, 2015), press releases and articles issued by Survival International (2015, 2016) as well as interview transcripts from my own field research in Ethiopia. According to these documents, several human rights violations have been committed in the course of establishing Gibe III and associated plans for irrigated agricultural development. HRW estimates that about 200,000 residents of the Lower Omo and

another 300,000 people living around Lake Turkana in Kenya are affected (HRW, 2012). Indigenous communities have been forced by the government and the military to leave their ancestral territories. Harassment, violence and arbitrary arrests were used to coerce these people. Pastoral communities who used the river Omo for their subsistence became resettled in different places. Their grazing lands were flooded, their cattle reduced and they lost access to the river (ibid).

There have been a number of incidences, in which the government issued ancestral lands to private investors. Land rights are strongly interlinked with other social rights. If people practice subsistence agriculture, their rights to food, water, adequate housing or even health, can be adversely affected when access to their territories and water sources is denied. In addition to that, their right to self-determination and cultural rights are infringed. A civil society advocate highlighted:

“What are you doing? You are talking about green economy to protect human rights. But at the same time this is causing problems on the local people. You are taking away their land, which means their right to food, their right to life [...] they don't have enough shelter, they don't have water access” (Interview Domestic NGO\_1).

Thus, in the case of Gibe III, green economy transition endangers indigenous peoples' rights to food and to water as brought forward by the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by the Government of Ethiopia in 1993 (UNTC, 2016). Moreover, consultations with local communities have not been held, free prior and informed consent has not been obtained and land losses have not been appropriately compensated. This means that land rights stipulated in the ILO Indigenous and Tribal Peoples' Convention and rights to natural resources pertaining to these ancestral lands (ILO, 1989, Art.13-15) are violated. Although Ethiopia has not ratified the ILO Convention, it still acts contrary to customary law, like the UN Declaration on the Rights of Indigenous Peoples and the

Declaration on the Right to Development. It also breaches binding regional instruments, such as the 1981 African Charter on Human and Peoples' Rights (ACHPR). The ACHPR ratified by Ethiopia in 1998 stipulates important provisions in this respect. These comprise the right to information (Art. 9), the right to property (Art. 14), participation in cultural life (Art. 17), peoples' right to existence and self-determination (Art. 20), free disposal of peoples' wealth and natural resources (Art. 21), as well as peoples' right to development (Art. 22, ACHPR, 1981). None of these rights were guaranteed to affected citizens in the course of Gibe III establishment.

Ethiopian NGOs are concerned about this situation. A number of critical observers even claim that the government is not particularly interested in climate resilience or aspects of social development. The fact that social matters are neglected in Ethiopia's green economy strategy was even voiced by a representative of UNEP in an informal interview. Instead, state actors have made "a politically extremely smart move in the game" (Interview International NGO) to secure financial aid available in the climate policy area. According to this expert, the government understands green economy as a window of opportunity to secure funds for dealing with the consequences of climate change and to foster economic development. Relying on Chinese investments, the government is interested in a swift economic transformation and accepts severe constraints for indigenous peoples (Interview, Domestic NGO\_2).

### **The Transnational Dimension**

Field research carried out by Human Rights Watch (2015) and International Rivers (2015) illuminates the transnational dimension of this scenario. Reports from Turkana County in Northwestern Kenya reveal that Ethiopia's massive hydroelectric and irrigation projects, including Gibe III, also have a devastating impact on human rights across borders. The local

indigenous population heavily depends on water supply of Lake Turkana, which receives 90 percent of its water from the Omo River. Ethiopia's dam projects, irrigation canals, cotton and sugar plantations drastically reduce the supply of Turkana constraining access to water for the local population. Further consequences are food scarcity and competition over grazing lands. This directly affects the right to water, to food and to health of the Turkana people but also increases the potential for conflict. In a report published by International Rivers, a pastoralist from Turkana County points to this conflict situation:

“We will fight with whoever is coming close to the lake. We have our children here. They will destroy that electricity project. Have you heard me clearly? A person from another land can't come and close our lake” (International Rivers, 2015: 13).

A representative from the Ministry of Pastoral Economy and Fisheries of the Turkana County Government emphasizes:

“We cannot eat electricity. What we require is food and income for the Turkana community.” (International Rivers, 2015: 9).

Therefore, Gibe III as a green economy endeavor does not only lead to direct and indirect rights implications for social groups within Ethiopia but also across its borders in Kenya (Carr, 2012).

### **Governmental Ambitions**

When governmental representatives were confronted with these concerns, none of them denied that rights infringements in the context of green economy transition are taking place. Instead, they argued that these are “costs” you have to take into account when implementing these projects (Interview MoWE\_2).

Interviewees from the MoWE as well as from governmental research institutes seemed to accept these detriments because they affect only certain societal groups:

“You know there are trade-offs – we know. [...] These people [pastoralists] are very communal, very primitive” (Interview MoWE\_1).

So-called “primitive” indigenous peoples do not fit into the CRGE vision of modernization and rapid economic growth. Traditional pastoralist and agro-pastoralist lifestyles are hampering the government’s vision of development:

“People never accept new things. [...] They always oppose, they are very backward” (Interview Governmental Research Institute).

These statements are in line with Human Rights Watch’s Report on the Lower Omo Valley and concerns raised by a representative of an international NGO who explains the government’s climate policy comprises further restrictions against pastoralists and agro-pastoralists (Interview International NGO).

In sum, there are multiple rights and justice concerns in the context of Gibe III that need to be jointly considered. In the following, these concerns will be analyzed in light of climate justice.

## **JUSTICE CONCERNS AND HUMAN RIGHTS TRADE-OFFS IN ETHIOPIA’S GREEN ECONOMY TRANSITION**

Utilizing the systematization of climate injustice dimensions elaborated above as an analytical framework, one can, *first*, analyze Gibe III and the CRGE in relation to *international injustice*. The Ethiopian government conceives of climate change as a matter of historically grown international injustice. The government claims that it is not responsible for causing climate change – but it has to deal with its consequences (Interview MoWE\_1). It views the CRGE as a chance to receive bilateral and multilateral funding for adaptation and mitigation

costs – and strategically uses international injustice arguments in this respect (see for example GoE, 2011b: 4). This goes hand in hand with fostering an ambitious economic development strategy.

The WB had initially been strongly involved in hydro-dam planning at the river Omo but then rejected funding due to the fact that there were no social and environmental impact assessments undertaken prior to Gibe III implementation (Carr, 2012) and the lack of transparency in the governmental planning process (Mamme, 2015). In 2012, however, the WB approved funding for transmission lines from Gibe III to Kenya, enabling Ethiopia to export electricity (WB, 2016). The AfDB and the EIB declined project funding after preliminary impact assessment studies (International Rivers, 2011). The main foreign investor for Gibe III since then has been the Chinese Export Import Bank. Once finalized, the dam will be considered as a regional integration project exporting energy to the neighboring countries Sudan, Kenya, and Djibouti (International Rivers, 2011). Thus, Gibe III can – at least partly – be understood as an international cooperation project. The GoE, supported by bilateral partners and initially also by international financial institutions, engages in generating low-carbon energy to promote economic development. This can potentially promote social rights of Ethiopia's population through enhanced access to electricity and infrastructure in the future. Many of these considerations are in line with normative claims to reduce international injustice, most particularly a fairer distribution of adaptation and mitigation costs and the potential to reduce GHG emissions.

However, there are also some key problems from the perspective of international justice: Gibe III is leading to tensions and conflicts between Ethiopia and Kenya due to the severe effects on Turkana. The withdrawal of WB, AfDB and EIB, enabled the GoE to circumvent international norms, like the WB's environmental and social safeguard policies, and its own

domestic legislation with regard to environmental and social impact assessments. Therefore, international cooperation was also restricted.

*Second*, in Ethiopia's CRGE vision, climate change is considered to be "an intergenerational challenge" (GoE, 2011b: 23). This means that policy responses to this challenge, i.e. the green economy strategy or more specifically, hydropower generation, are presented by the government as an endeavor to diminish *intergenerational injustice*. Governmental and non-governmental interviewees agree that the CRGE marks a transition to altering energy and consumption patterns, and to a low-carbon economy (e.g. Interview MoWE\_1, Interview International NGO). Thus, today's decision-makers take responsibility for future generations: Hydropower generation has the potential to provide for social rights by increasing access to electricity. As Ethiopia is already hit by severe droughts, heatwaves and changes in precipitation leading to food insecurity and further social rights concerns, economic development needs to be both, climate-resilient and carbon-friendly. Thus, Gibe III reflects many of the normative claims outlined above to diminish intergenerational injustice, first and foremost, the transition to altering energy and consumption patterns and to a low-carbon economy.

This argument of promoting intergenerational justice as presented by the GoE but also by financial institutions and IOs, including WB, ADB, EIB, needs to be seen critically in light of scientific findings highlighting that the contribution of hydropower has not yet been fully understood and that the carbon footprint as well as the bluewater footprint of hydroelectricity are much higher than often assumed (Scherer and Pfister, 2016). Scholars therefore recommend carbon and bluewater footprint assessments to examine whether hydroelectric dam projects actually contribute to climate change mitigation (ibid). Furthermore, intergenerational justice arguments are sometimes used strategically by the GoE as the focus of the CRGE clearly is on fostering economic development and less on decarbonization.

However, intergenerational concerns are used rhetorically to link the CRGE to the priorities of various funders (Interview International NGO).

*Finally*, transition to a green economy, in the case of Gibe III, seems to exacerbate problems pertinent to *intrasocietal injustice*. This has clearly been voiced by all non-governmental experts and was confirmed by governmental actors and a UNEP representative. The most vulnerable local population groups are not only unequally exposed to adverse climate-related impacts, such as droughts, changes in precipitation and flooding, but also have to fear governmental force and rights infringements in the process of energy transition (HRW, 2012). These are mainly violations of ancestral land rights (ILO, 1989) – but also have serious consequences on civil and political (ICCPR, 1966) as well as on social, economic and cultural rights (ICESCR, 1966). The normative claims formulated to decrease intrasocietal climate injustice, including access to information, transparency and participation in environmental decision-making, have not found entrance in hydropower energy transition or the CRGE in general in Ethiopia yet. This adversely affects the potential to diminish international injustice through cooperation with donors. The WB, AfDB and EIB have rejected funding requests after evaluations revealed negative social and environmental impacts. Regional cooperation with neighboring countries can also be hampered by the potential for conflict arising from the devastating situation of indigenous peoples depending on lake Turkana in Kenya. Even though energy transition in the case of Gibe III might improve access to electricity and infrastructure in the future, indigenous peoples lose access to their ancestral lands, or water from the Omo river or lake Turkana, and might not be able to sustain their livelihoods and cultural practices in the long run. Thus, problems relating to energy transition through Gibe III as well as lacking assessments of the carbon and bluewater footprint, can severely affect the sustainability of CRGE policies and the potential to diminish intergenerational injustice.

The establishment of the Gibe III dam also has severe environmental consequences in the Lower Omo river basin in Ethiopia and Lake Turkana region in Kenya. As the volume of water flow in the river will be substantially reduced, termination of flooding will eliminate water-loving vegetation around the river. Oxygen and nutrient levels in the river will change, leading to a decrease in water quality. Agriculture livelihood of indigenous peoples in the Omo delta will be destroyed and fish habitat of the river Omo and lake Turkana eliminated due to lacking oxygen and nutrients. Major changes in water quantity and quality will also result in drying of grazing lands and decrease in soil quality. Riverine forests will be destroyed, including woodland-based subsistence food production. These environmental implications again exacerbate situations of social injustice as they have severe socio-economic consequences for indigenous peoples' subsistence (Carr, 2012: 86-90).

One reason why society's voice remains largely silent regarding these concerns is the *2009 Charities and Societies Proclamation*. Together with the Anti-Terrorism Proclamation, this so-called CSO law is heavily restricting freedom of expression, assembly and association as well as all human rights activities in the country.

This silencing of NGOs implicates that vulnerable groups are not being represented anymore. It also indicates a deficient "transmission belt" (Steffek and Nanz, 2008: 8) between state and society or disrupted state-society relations. Energy transition in the case of Gibe III including the funding received by international donors are used for authoritarian ways of "nation-building" (Gadgil and Guha, 1994: 110, see also Menga and Swyngedouw, 2018) with the aim of modernizing the traditional livelihoods of pastoral and agro-pastoral communities.

One Ethiopian domestic activist working with pastoralist groups describes their situation within the context of Gibe III in the following way:

"Did the people agree? – No. Did they give their free and full consent? – No. Did they get, at least an amount of compensation? – No. [...] So all these violations [...] And

these companies are profit-minded, [...] it's like Wall Street coming into the villages'.

(Interview, Domestic NGO\_1).

By highlighting the necessity to free prior and informed consent and compensation, the interviewee makes clear references to procedural rights, which establish a link between the state and civil society by fostering transparency and participation in environmental decision-making (Gupta, 2008).

Procedural rights and safeguards as a requirement in hydropower transition can be one way to avoid human rights trade-offs in Ethiopia. But how can these safeguards look like? The former UN Special Rapporteur on Human Rights and the Environment, John Knox, has introduced 16 framework principles outlining basic human rights obligations relating to a safe, healthy and sustainable environment (Human Rights Council, 2018). Several of these obligations are highly relevant to green economy endeavors and hydroelectric dam projects (Atapattu and Schapper, 2019):

- States should provide public access to environmental information (principle 7),
- States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights (principle 8),
- States should provide for and facilitate public participation in decision-making related to the environment (principle 9),
- States should cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights (principle 13),
- States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities (including the protection of land rights, obtaining

free prior and informed consent before taking measures affecting them, respecting traditional knowledge and equitably sharing benefits), (principle 15),

- States should respect, protect and fulfil human rights in the actions they take to address environmental challenges and pursue sustainable development (principle 16)”, (Human Rights Council, 2018: 7-20).

Observing these obligations in green economy policies means to foster climate justice comprehensively including the intrasocietal as well as the international and intergenerational dimension. Procedural obligations, like public participation, are particularly relevant in phases of transition – taking into account the vulnerabilities of certain segments within society – and diminishing intrasocietal injustice. States’ obligation to cooperate and to avoid transboundary and global environmental harm means to diminish international injustice. Addressing environmental challenges and pursuing sustainable development is critical to guarantee intergenerational justice.

Procedural and substantial rights obligations in relation to dam-building have already been highlighted in the 2000 framework for decision-making suggested by the World Commission on Dams (WCD 2000). Procedural rights support a just transition process and contribute to more just outcomes. Examples are obtaining free prior and informed consent, or providing access to environmental information and judicial remedies. Substantial rights are those legally binding human rights that are anchored in existing conventions, like freedom of association and expression (ICPR 1966). Procedural rights relating to environmental policies can also have significant impacts beyond just transition to a green economy. They might enable democratization processes in countries that do not observe pertinent standards, like access to information or participation in decision-making. This, on the other hand, makes it very unlikely that authoritarian states, such as Ethiopia, will agree to them and not view them as a form of imposed conditionality.

## CONCLUSION

In this paper, I have used an analytical framework based on the climate justice literature along the dimensions of *international*, *intergenerational* and *intrasocietal justice* to systematize arguments brought forward in relation to green economy transition in Ethiopia. The empirical analysis of expert interviews and policy documents has revealed that energy transition within the context of the CRGE, in particular relating to Gibe III, has the potential to advance international justice (if Ethiopia receives assistance for mitigation and adaptation) and intergenerational justice (if a low-carbon economy can be established). Rigorous implementation by the state government and lacking participation opportunities for civil society, however, have led to a situation in which social injustices in the country are exacerbated. A human rights trade-off can be observed. The government uses a strategic discourse of providing for the rights and wellbeing of future generations, through less GHG emissions, increased access to electricity and improved infrastructure, and at the same time infringes upon the rights of indigenous peoples and pastoralists.

Gibe III is only a single case of an energy transition project, but its problems are representative of other hydropower dam projects that the Ethiopian government describes as a priority in its CRGE. Gibe IV and Gibe V hydroelectric dam projects are currently being planned and will also be situated at the river Omo. This means, they can have similar social justice implications as they will affect the same groups of indigenous peoples in Ethiopia and Kenya. Moreover, there are some interrelated aspects relevant for CRGE transition: Plans for Gibe III, for instance, were developed together with plans for irrigated agricultural development. The GoE has relocated pastoralists to certain areas where they can settle permanently, i.e. give up their traditional pastoralist lifestyle, and work as farmers on newly created agricultural land instead (HRW, 2012: 53-61). This demonstrates that Gibe III is a

highly significant case in the context of CRGE transition with broader implications, especially for certain social groups.

One idea for a solution would be to use the framework principles introduced by John Knox as a template to develop policies that integrate considerations on international, intergenerational and intra-societal climate justice. This would initiate a re-balancing of the social, environmental and economic dimension of green economy towards strengthening social and environmental aspects and thus, making it more sustainable. Developmental states, like Ethiopia, favoring state-led macro-economic planning, strong state regulation and weak civil society might fear further democratization processes. In the particular case of Ethiopia, democratic reforms have commenced with the 2018 appointment of the first Oromo Prime Minister Abiy Ahmed. This includes a reform of the Charities and Societies Proclamation, the release of political prisoners, expansion of free press and other measures opening Ethiopia's political landscape, like the peace agreement with neighbor Eritrea (Washington Post, 2018). It remains to be seen how this will affect green economy transition in the country and whether it will make zero carbon policies more just. The international community, bilateral partners and private business investors, however, also bear responsibility in avoiding human rights trade-offs and thus, should foster justice mechanisms. By making the transition process more just and inclusive, intrasocietal injustices will be reduced and green economy policies will become more sustainable.

## **CONFLICT OF INTEREST STATEMENT**

The author states that there is no conflict of interest.

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## TABLE

**Table 1: Dimensions of Climate Injustice**

	<b>International Injustice</b>	<b>Intrasocietal Injustice</b>	<b>Intergenerational Injustice</b>
<b>Character of injustice</b>	Imbalance between states' responsibility and harm as well as resources to adapt	Imbalance between societal groups' responsibility and harm as well as resources to adapt	Imbalance between past/current/future generations' responsibility and harm as well as resources to adapt
<b>Affected Actors</b>	Developing countries	Societal groups, communities, individuals	Present and future generations
<b>Time range</b>	Historically grown Immediately	Historically grown Immediately	Historically grown Immediately In the future
<b>Claims</b>	Fair distribution of adaptation and mitigation costs, just institutions, compensation, reduction of greenhouse gas emissions	Participation, information, access to judicial remedies	Transition to altering energy and consumption patterns and to a low-carbon economy, establishment of environmental rights

Source: Own compilation based on literature cited.