



ENVIRONMENTAL LAWS: PROCLAMATIONS FOR THE DEVELOPMENTAL BUILDING CONSTRUCTION PROJECTS

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ABSTRACT

A contemporary human civilization is based on the development of a town / city / country. Government organizations are a complex central force which influences the broad spectrum of any development. The political strategies, management, and leadership are very important for the sustainable development of any proposed projects. To protect and promote the best interests of the people, it is necessary that government organizations invest in strategies / promoting laws and regulations in line with the sustainable development. The current article focuses on critical and highly consequential actions required for the building construction projects.

KEYWORDS : air quality, genetic resource law, land law, proclamation, public health act, rural land administration

Relevant National Policies

The construction industry in Ethiopia plays a major role in the economy of a country [3]. Therefore, the development of the construction industry mainly depends on the effect of the legal system of the country as well. Major challenges in relation to the enforcement of environmental laws include environmental preservation, climate change, high population growth, scientific uncertainties, usage of outdated technologies, lack of political commitments, societal attitudes, and poverty. Specifically, issues like environmental impact assessment and environmental pollution has become controversial in recent times. The Environmental and Physical Planning Laws are the main two types of legal areas that affect the construction industry [8]. Further, the problems or conflicts in the aforementioned law areas had become a reason to create disputes in the construction industry. The applicability of the specific Laws and Regulations under Environmental Law and Physical Planning Law relating to the Construction Industry of Ethiopia is reviewed through literature. Moreover, literature sources related to international Environmental and Physical Planning Law context were brought into the picture to recognize the potential solutions and the recommendations for the proper implementation of said Laws. The National Sustainable Development Policy seeks to ensure that development is undertaken not only in the right way but more importantly to ensure that the right things are done. It therefore requires that there are no inherent conflicts between substance and process. Government does not and cannot stand-alone with the responsibility that will guide us to a sustainable future. Society, culture, humanity, which include the political realities of economic policy and religious and other organized beliefs are also responsible. Government does play an important and even critical role if we are to have a sustainable future. Good government can provide vehicles for informed decision-making and invest in and maintain the checks and balances of a democratic system. Good government can develop and maintain strategies, policies, and programs that will help us all find a future that works.

One of the challenges of good government is to find the political and bureaucratic flexibility to create and maintain accountable policies and programs. The ability to adapt constantly to new circumstances is fundamental. Good leaders have to find ways to maneuver through the checks and balances that good governance requires. To our way of thinking, promoting sustainability through government means continuously and proactively investing in democratic principles. Good government can promote sustainable economic strategies. Good government can provide for safety and security, promote well-being, education, and understand that the bottom line is a healthy environment.

which highly focus on sustainable development and the environmental conservation strategy and offer a set of sound baseline principles.

Land law

The legal framework governing how land is allocated for investment presents other possibilities for the incorporation of EIA. Regarding the utilization of land for investment, Ethiopia's 1995 Constitution provides for the right of investors to obtain land for investment purpose on lease in accordance with conditions to be specified by subsidiary laws (Art. 40). In line with this, the Rural Land Administration and Use Proclamation (Proclamation № 456/2005) recognizes the right of investors to obtain and use rural land, provided that priority is given to peasants and pastoralists (Art. 5(4)(a)). Once land has been allocated, the proclamation obliges landholders to sustainably use and manage the property.

Land users thus face the threat of losing their right to the land in the case that the holding is damaged due to misuse and mismanagement, in accordance with details to be specified by regional land laws [4,5,6,7]. Having provided the guiding rules, the Rural Land Administration and Use Proclamation (Proclamation 456/2005) leaves the particulars to be legislated by regional states, allowing for the spirit of the law to be interpreted in harmony with the situation on the ground in their respective regions. Accordingly, regions have issued their regional rural land laws in recognition of the rights of investors to obtain and use rural land. The Rural Land Administration and Utilization Proclamation of the Southern Regional State (Proclamation № 110/2007), for instance, recognizes the rights of private investors to obtain rural land for investment, with priority given to peasants and pastoralists (Art. 5(15). and Art. 10(5) of the proclamation further stipulate that the development plan submitted by investors seeking land must not lead to the degradation of the land or surrounding environment).

In addition, it obliges investors to sustainably manage their holding, including any and all natural resources therein (Article 10(6)). While the rural land law of the Southern Nations Regional State stipulates that the development plan that investors present to obtain rural land must not lead to land or environmental degradation, it fails to subject the allocation of rural land to the requirement of EIA. The conservation, utilization and development of water resources in the country at present is regulated by the 2000 Water Resources Proclamation (Proclamation № 197/2000) and the 2005 water resources regulation (Regulations № 115 of 2005). The Water Resources Proclamation aims to ensure that the water resources of the country are duly conserved and protected from harmful effects and utilized for the highest social and economic benefits of the country. Accordingly, the

Following are the general policies / laws / proclamations

proclamation describes the measures that must be taken for the conservation and protection of waterways and the conditions under which water resources may be exploited. The proclamation prohibits the release of any waste that endangers the lives of humans, animals or plants into water bodies. In addition, it prohibits the clearing of trees or vegetation and the construction of residential houses along the banks of water bodies so as to ensure their protection.

Related to the utilization of water resources, the proclamation establishes a system of water resource utilization based on permits. For example, permits are required for the construction of waterworks and for the supply or transfer of water, even if the water is received from another supplier. The water resources regulation lays out the conditions for the issuance, suspension or termination of a water use permit.

In this regard, it stipulates that a water use permit will not be issued if the plans entail the creation of pollution or harmful effects to the water resources and the environment. In addition, it states that a water use permit may be terminated or suspended if the water resource in use is temporarily or permanently depleted, or if the usage of the water resource has caused negative impact on the environment. While the water law seeks to ensure the sustainable use of water resources, it falls short of making EIA a mandatory requirement for the issuance of water use and development permits [1].

Genetic Resource law

Following the Convention on Biological Diversity, the government of Ethiopia enacted legislation which provides for community rights and access to genetic resources and traditional knowledge (Proclamation 482/2006). The proclamation subjects access to genetic resources and community knowledge in the country to the requirement of permit from the Institute of Biodiversity Conservation, and stipulates the conditions under which access to genetic resources may be denied.

Though the proclamation does not directly stipulate that an access application should first go through an EIA process as such, it does contain provisions meant to ensure that access to genetic resources is carried out without causing harm to the environment. In this regard, it states that access may be denied if the planned use may cause, *inter alia*, an undesirable impact on the environment, an ecosystem, human health or the cultural values of local communities (Art. 13). It also obliges an access permit grantee to respect the laws of the country, particularly those relating to sanitary control, biosafety and environmental protection (Art. 17). Again, however, the law fails to require applicants wishing access to genetic resources to conduct a formal EIA process.

Air Quality Regulations 2014

These regulations provide for the prevention, control and abatement of air pollution to ensure clean and healthy ambient air. Section 33 of the act stipulates that No person operating construction equipment or handling construction material shall allow emission of particulate matter.

Waste Management Regulations 2006

This regulation gives guidelines on both operational and administrative activities that are used in handling, packaging, treatment, condition, storage and disposal of waste [2]. It prohibits anyone from disposing any waste on any part of the environment except in designated waste receptacle or facility provided by the relevant local authority which may be legitimate dump sites or landfills Section 3 of these regulations stipulate that any person whose activities generates waste has an obligation to ensure that such waste is transferred to a person who is licensed to transport and dispose of such waste in a designated waste disposal facility.

Noise and Excessive Vibrations Pollution Control Regulations 2009

This regulation prohibits any person from causing unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. Part 11 section 6 (1) states that no person shall cause noise from any source which exceeds any sound level as set out in the First Schedule of the regulations. It gives standards for maximum permissible noise levels for construction sites, mines and quarries. It also gives maximum permissible noise levels for silent zones, places of worship, residential (indoor/outdoor), mixed residential; and commercial.

The Public Health Act

This act has provisions for maintaining and securing health. It defines what environmental nuisance is.

Various health hazards are likely to emanate from the proposed project's activities such as workplace accidents, air, and water and land pollution. There is therefore need to integrate health issues to the project to ensure healthy environment.

CONCLUSIONS

Environmental laws and proclamations are bringing positive changes to the nation. Pollution control laws should be imposed strictly to save the eco-system.

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