

## **The EIA system of the Republic of Djibouti**

**Abdek M.Abdi, Takehiko Murayama, Shigeo Nishikizawa, Kultip Suwanteep**

School of Environment and Society  
Tokyo Institute of Technology,  
G5-9 4259 Nagatsuta, Midori-ku, Yokohama City, Kanagawa, 226-8502, JAPAN

[mahamoud.a.aa@m.titech.ac.jp](mailto:mahamoud.a.aa@m.titech.ac.jp) / [abdekm.abdi90@gmail.com](mailto:abdekm.abdi90@gmail.com),

### **Abstract**

The Environmental Impact Assessment (EIA) is an internationally recognized reference tool that assesses the environmental and social impacts of a project at the planning stage of a project. It includes a detailed analysis of potential effects on the physical, biological, and human environment. The Republic of Djibouti introduced the EIA system in 2001 and the regulation was amended in 2011. This paper provides an overview of Djibouti's EIA system, including its legal framework, implementing authorities, and challenges.

### **1. Introduction**

The environmental impact assessment (EIA) is a crucial planning tool that helps to predict and evaluate the impact of proposed projects, with the main goal of aiding decision-making processes. NEPA's pioneering initiative has had a significant influence worldwide, inspiring many countries to adopt EIA policies into their national regulations (John Glasson and al, 1999). For example, in East Africa, countries such as Kenya, Ethiopia, and Djibouti have implemented environmental impact assessment policies by adopting national regulatory frameworks. In 1999, Kenya introduced the Environmental Management and Coordination Act, while Ethiopia introduced the Environmental Impact Assessment Proclamation No 299 of 2002. Djibouti followed with the Decree No 2001-0011/PR/MHUEAT, which defined the environmental impact assessment procedure that was updated and detailed in 2011 with the Decree No 2011-029/PR/MHUAT. However, it is important to note that these countries do not implement EIA regulations in the same way, as each country's policy and regulatory framework is unique to their national strategies and priorities.

This paper aims to describe and analyze the EIA system of Djibouti and make recommendations for the future of the system.

### **2. Background**

The Republic of Djibouti is positioned in the Horn of Africa at the mouth of the Bab El Mandeb Strait, which separates the Red Sea from the Indian Ocean. The country shares borders with Ethiopia to the west and south, Eritrea to the north, Somalia to the southeast, and Yemen to the east. Due to its strategic location on the eastern coast of Africa, at the southern outlet of the Red Sea, between the Suez Canal and the Gulf of Aden, the region holds immense importance. In fact, Djibouti occupies a highly strategic maritime position through which 20,000 ships and 30% of worldwide trade pass (Redie Bereketeab, 2016).

In response to the conflicts in the Middle East and regional tensions in the Horn of Africa, Djibouti's strategic significance has been reaffirmed by the establishment of several foreign

military bases, including those of France, USA, China, Japan, and Italy. As a result of these investments, Djibouti is now being positioned as a regional hub for trade and logistics, with seven commercial ports today compared to a single commercial port during the colonial era (before 1977). These recent developments have significantly boosted Djibouti's economy, contributing to its growth and development during the last decade. However, despite its economic growth, Djibouti still faces several environmental challenges including desertification, water scarcity, high urbanization, unsuitable waste management, biodiversity losses and marine pollution. To address these challenges, the government of Djibouti has implemented policies, programs, and laws to promote sustainable development, reforestation, and the conservation of biodiversity.

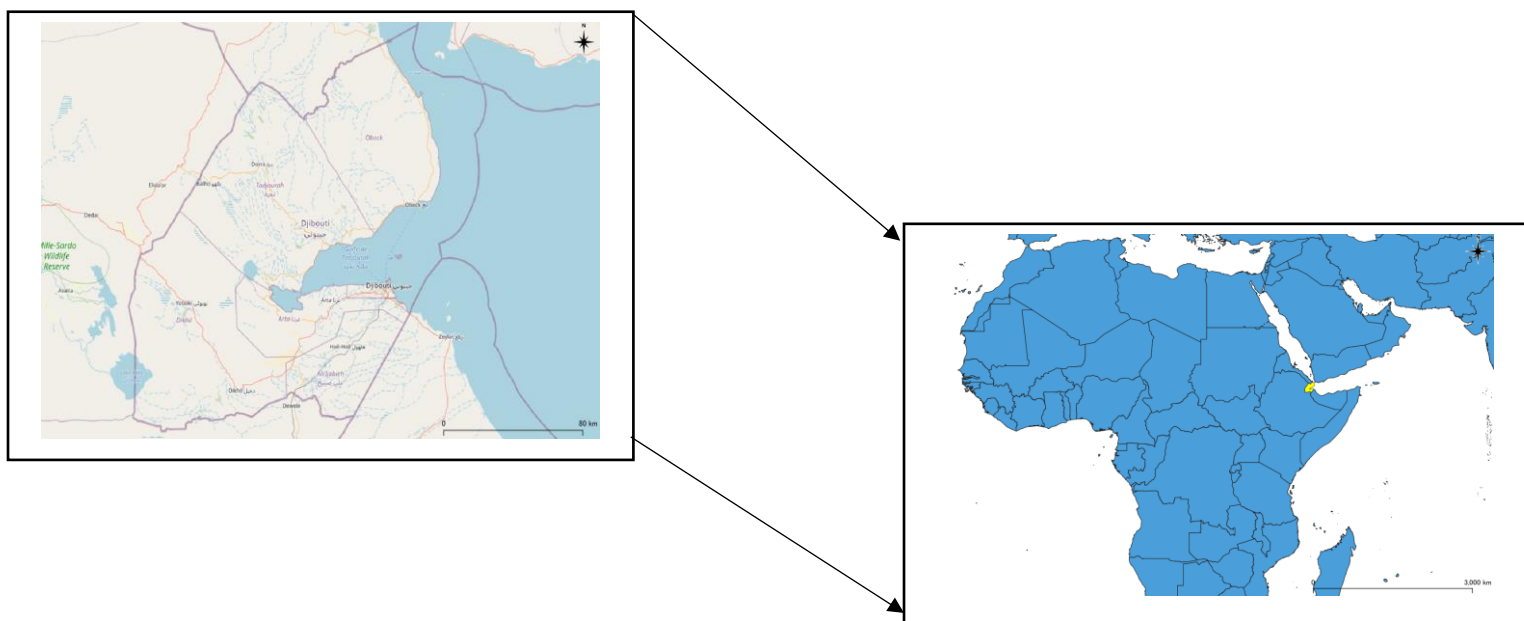


Figure 1: Geographic location of Djibouti

### 3. Legal framework

#### 3.1. The constitution of Djibouti

The Constitution of Djibouti was adopted on September 4, 1992, with a referendum. The constitution was amended in 2006, 2008 and 2010. The Article 10 of the Constitution contains several fundamental human rights including the rights to life, liberty, security and personal integrity. It also states that “*human person is sacred*” and should be protected. The Article 70 mentions that once ratified international agreements and treaties have a superior legal force to secondary legislation. However, the Constitution of Djibouti does not contain any specific provisions for the environmental protection.

#### 3.2. International agreement related to the environment.

An international environmental agreement is a legally binding agreement between many nations that aims to promote international collaboration in resolving global environmental problems.

These accords aim to bring nations together in a coordinated effort or synergy to solve global environmental problems that require coordinated actions, such as pollution, deforestation, biodiversity loss, and climate change (Ronald B. Mitchell, 2003). However, weak enforcement mechanisms and effective environmental treaty implementation are missing in developing nations (Shihata, 1997; Brock, 2006).

The Republic of Djibouti, like many other nations, understands the value of environmental preservation. To demonstrate its commitment to preserving the environment and advancing sustainable development and growth, the country has ratified and abided by a number of international agreements.

Table1: Example of major international conventions on the environment and their corresponding ratification laws

Conventions	Ratification Laws	Conventions	Ratification laws
United Nations Framework Convention on Climate Change, UNFCCC (Rio 1992)	Law No 87/AN/95/3ème L	Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto 1997)	Law No 148/AN/01/4ème L
Convention on Ecological Diversity (Rio 1992)	Law No 113/AN/96/3ème	Rotterdam Convention for Hazardous Chemicals and Pesticides in International Trade (Rotterdam, 1998)	Law No 48/AN/04/5ème L
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel 1989)	Law No 127/AN/01/4ème L	The Stockholm Convention on Persistent Organic Pollutants (Stockholm, 2001)	Law No 39/AN/03/5ème L

### 3.3. The Environmental Code (Law No. 51/AN/09/6ème L)

The law aims to establish the basic rules and fundamental principles of the national policy for the protection and management of the environment in order to ensure sustainable development in accordance with multilateral environmental agreements. The objectives of environmental management and protection for sustainable development outlined in Article 4 of this law include preventing and anticipating any action that could lead to significant negative impacts by implementing specific mechanisms for environmental evaluation and planning. It also aims to protect the environment against all forms of pollution and degradation, regardless of the source, in order to ensure sustainable and equitable development.

The law defines the environmental impact assessment in the Article 1 as “*all studies prior to the realization of the project development, work, equipment, installation or establishment of an*

*industrial or agricultural unit or other, of plan or program, allowing to assess the direct and/or indirect consequences of investment to environmental resources and health*". Article 37 specifies that all surface, marine, subsurface, or air installations causing an impact on the environment must be subject to an environmental impact assessment. Article 99 mentions that an EIA is mandatory for all projects causing adverse effects on the environment and health. Article 97 specifies that the State guarantees the integration of environmental evaluation at all levels of development. Article 99 mentions that the Ministry of the Environment is in charge of delivering an environmental authorization, and Article 100 emphasizes the necessity to communicate probable negative impacts to the people. The Article 101 describes the minimum requirements for EIA reports, including:

- » Analysis of the initial state of the site and its environment,
- » Description of the project,
- » Study of the modifications that the project is likely to generate, and the measures envisaged to eliminate, reduce or compensate for the negative impacts of the activity on the environment and health,
- » The cost of these measures before, during, and after the project realization,
- » Implementation of an environmental management plan,
- » And public hearing.

Furthermore, the law includes articles related to the protection and preservation of water resources (Articles 19-26), soil and subsoil (Articles 27-31), waste management (Articles 75-88), plant and animal resources (Articles 39-41), environmental evaluation (Articles 97-102), and administrative and penal sanctions (Articles 103-140). It is important to note that the law specifies the penalties and measures that can be taken in case of violations of the law. The Ministry is in charge of enforcing the law (103-105) and can seize and confiscate equipment, goods, products related to the violation, and profits generated from the violation. Additionally, the Ministry can order the restoration of degraded sites.

#### **3.4. The decree on the environmental evaluation (Decree No 2011-029/PR/MHUEAT)**

The decree on the environmental evaluation was firstly adopted in 2001 and amended in 2011 and is the main legal document explaining the EIA system of Djibouti. The decree defines the EIA in the Article 1 as "*any prior scientific study carried out before the implementation of a development project, infrastructure, equipment, installation or establishment of an industrial, agricultural, or other unit, plan, or program, allowing the assessment of the direct and/or indirect consequences of the investment on environmental resources and health*".

The decree explains in the Article 3 that all activities susceptible to generating negative impacts and public service activities must subject to the realization of EIA reports in the early stage of activities and feasibility studies. The decree explains in the Article 4 that there are two type of EIA statements (a short and a detailed one) depending on the scale of the project and negative impacts. The Ministry of environment is in charge of the screening process and the attribution of an environmental authorization. The authorization permit is for five years and can be renewed after the realization of an environmental audit (Article 6). The EIA statements should be written in French and those written in another language should be translated by professional.

Table 2: Description of the content of a short and a detailed EIA report (Article 11)

Content of a short EIA statement	Content of a detailed EIA statement
<ul style="list-style-type: none"> <li>» Description of the local and regional environment,</li> <li>» Project description,</li> <li>» Analysis of alternatives,</li> <li>» Verification of project compliance with applicable policies, laws, regulations, and standards, including ratified international conventions,</li> <li>» Inventory and description of project impacts on the environment,</li> <li>» And, envisaged mitigation measures.</li> </ul>	<ul style="list-style-type: none"> <li>» Non-technical summary,</li> <li>» Detailed description of project activities and the justification of the project,</li> <li>» The exploration and analysis of alternatives,</li> <li>» The analysis of the initial state of the site including the natural environment, socio-economic and human characteristics,</li> <li>» Analysis of impacts including direct, indirect, temporary, permanent, and cumulative impacts on the environment and society in general,</li> <li>» Verification of project compliance with applicable policies, laws, regulations, and standards, including ratified international conventions,</li> <li>» Public participation and stakeholder engagement activities and meetings,</li> <li>» Analysis of mitigation, attenuation, repair and compensation measures,</li> <li>» Estimation of residual impacts,</li> <li>» Financial estimate of induced environmental cost,</li> <li>» And an environmental and social management plan with a detailed budget.</li> </ul>

The decree emphasizes the importance of public participation and stakeholder engagement during the realization of EIA statements (Articles 15-17). Project promoters are required to hold public consultations in accordance with the Ministry and submit a plan of consultation meetings to the authorities and local community representatives at least 10 days prior (Article 16). Signed minutes of consultation meetings and the memorandum of these meetings should be added to the EIA report and made publicly available to local communities (Article 21). Upon completion of the report, the Ministry will gather public opinions about the project through a public inquiry (Articles 22-25). Additionally, a public workshop or audience will be organized by the promoter and representatives from the Ministry to gather opinions about the EIA report and the project and an ad-hoc commission will be appointed to evaluate the concerns of the participants (Article 27).

#### **4. Implementing authorities**

##### **4.1. The Ministry of Environment and Sustainable Development (MEDD)**

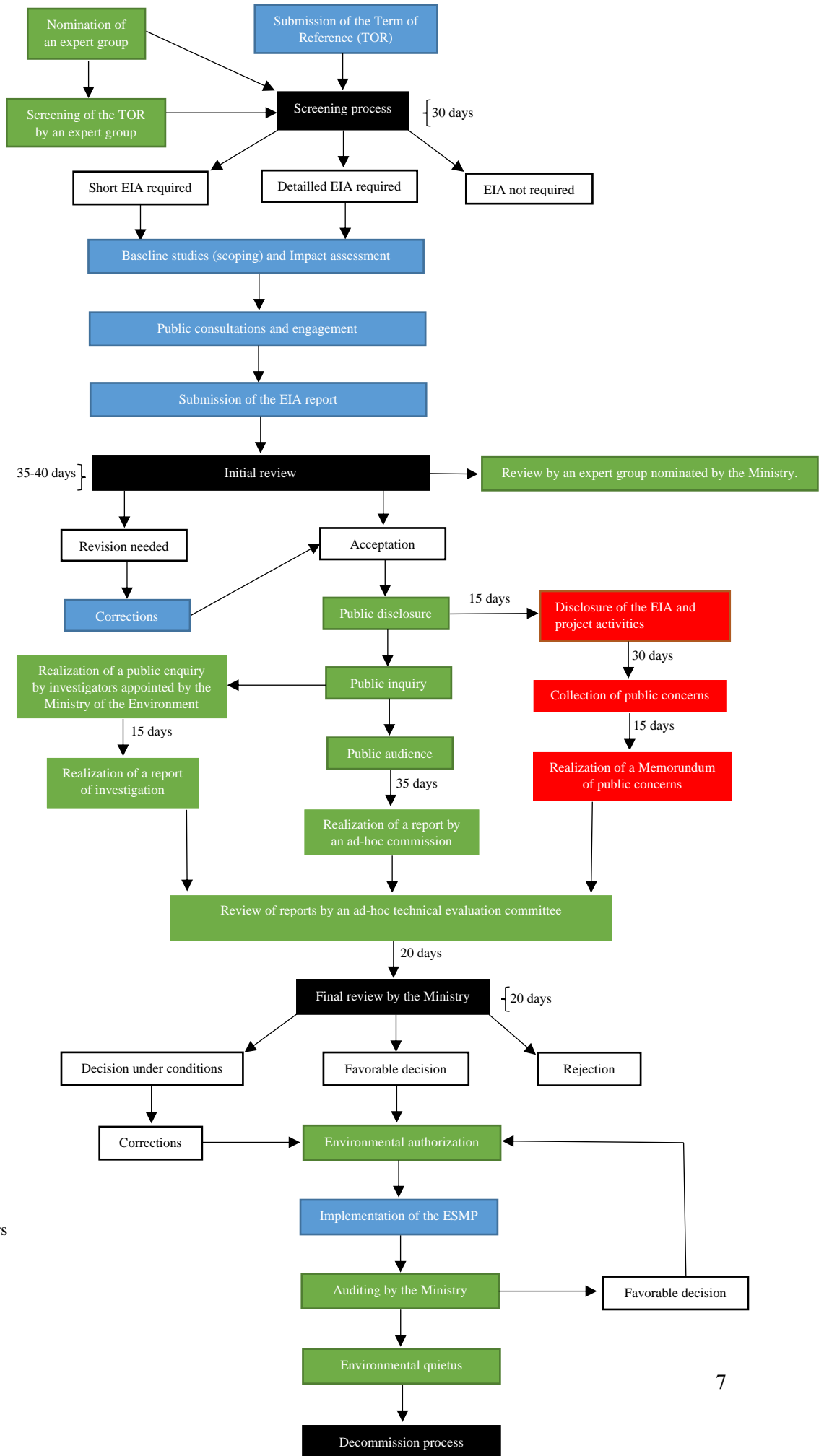
The Ministry responsible for the environment was established in 2000 under the name of the Ministry of Habitat, Urbanism, Environment and Territory Planning (MHUEAT) through Law No. 82/AN/00/4ème L. The Minister was in charge of preparing and implementing policies related to housing, urban planning, and the environment to promote balanced and harmonious territorial development. The Ministry was reorganized in 2014 (Law No. 54/AN/14/7ème L) and 2022 (Law No. 154/AN/22/8ème L). Its current name is the Ministry of Environment and Sustainable

Development (MEDD), and its responsibilities include developing and implementing government policies on the environment and sustainable development, coordinating national programs for environmental protection, developing regulatory texts on pollution control, protecting natural areas and wildlife, developing national regulations on biodiversity, implementing policies to combat climate change, and ensuring environmental quality. Additionally, MEDD collaborates with relevant ministries and local authorities to achieve the country's sustainable development goals. The MEDD is organized into several departments, including the Minister's Cabinet, the General Secretariat, the Directorate of the Environment, the Directorate of the Sustainable Development, the Directorate of Communication, Planning, Monitoring, and Evaluation, and Archives, and the Administrative and Financial Directorate.

#### **4.2. The Directorate of the Environment (DE)**

The Directorate of Environment was established with the reorganization of the Ministry of Environment and Sustainable Development (MEDD) in 2022, although it existed previously as the Directorate of Environment and Sustainable Development (DEDD) in 2014 and the Directorate of Territory Planning and Environment (DATE) in 2000. The Directorate of Environment is responsible for developing and implementing the government's environmental policies. Its tasks include coordinating with other relevant ministries to promote government action on environmental management, protecting natural resources, and preventing pollution and environmental damage. The Directorate also conducts impact studies, monitors environmental conditions, and improves living standards in urban and rural areas. Additionally, it integrates environmental considerations into development programs and implements projects that support environmental protection. The Directorate collaborates with NGOs, national associations, and local communities to encourage environmental cooperation. The Directorate of Environment is composed of four sub-directorates:

- » The sub-directorate for combating climate change,
- » The sub-directorate for ecology and nature protection,
- » The sub-directorate for pollution and environmental evaluation,
- » And the sub-directorate for the Great Green Wall and reforestation.



**Legend**

- MEDD/DE
- Local authorities
- Project developers
- Process

Figure 2: Detailed flowchart of the EIA system of Djibouti

## **5. Main challenges**

### **5.1. The Cost and the timeline of the EIA system**

The EIA process in Djibouti is a time-consuming and expensive process, especially for small and medium-sized enterprises and public companies. Depending on the complexity and scale of the project, the EIA process can take six months or more (according to the timeline stated in the Decree on Environmental Evaluation). Moreover, any delays or revisions required by the Ministry during the EIA process can lead to further delays and additional costs for project promoters. The prolonged EIA process can have negative effects on project development as it may discourage foreign investors and local enterprises who may seek opportunities in less bureaucratic environments and invest in other countries. This can limit economic growth and development by delaying the implementation of necessary projects that could contribute to the socio-economic development of Djibouti. Furthermore, the lack of financial resources and the high costs associated with EIA studies may discourage foreign investors from investing in Djibouti.

### **5.2. Centralized EIA process**

The EIA system in Djibouti is currently centralized, the Ministry of Environment and Sustainable Development (MEDD) is responsible for conducting and approving all EIA applications. However, this centralized approach can result in delays and inefficiencies in the process, as the MEDD may not have the capacity to process all the applications in a timely manner. Furthermore, a centralized system can also limit the MEDD's knowledge of local conditions and community concerns, leading to insufficient consideration of the social and environmental impacts of a project. Additionally, a centralized system may lead to conflicts of interest, as the MEDD is a governmental body which is responsible for promoting socio-economic development while protecting the environment. This can create tensions between the government's economic development objectives and projects, and the need to protect the environment, resulting in incomplete or biased assessments of projects and EIA reports. Furthermore, the negative effects of a centralized EIA system can hinder sustainable development in Djibouti by limiting the effectiveness of environmental assessments and the protection of local communities and ecosystems.

### **5.3. Human resources**

The shortage of skilled human resources in EIA is a major concern, especially given the growing number of development projects in Djibouti. The Decree on Environmental Evaluation requires the involvement of consultants, experts, and local investigators to evaluate EIA reports. However, the shortage of human resources can also cause delays in the EIA process and incomplete or inadequate assessments of EIA reports. Furthermore, the shortage of skilled personnel may limit the MEDD's ability to conduct effective monitoring and auditing of projects, which is crucial to ensure compliance with environmental regulations and the mitigation of potential negative impacts on the environment and local communities.



#### 5.4. Gaps with other international best practices

The EIA system in Djibouti has significant gaps compared to international best practices of international finance institution such as the World Bank, African Development Bank (AfDB), and International Finance Corporation (IFC). For instance, the current system lacks a clear guidance on stakeholder engagement during and after the implementation of the project, social impact assessment, cumulative and residual impact assessment, and gender issues. Furthermore, the system is quite outdated compared to the new environmental and social framework of the World Bank.

### 6. Conclusion and recommendations

The EIA system of Djibouti aims to provide clear guidance for developers to protect the environment and society from the negative impacts of projects. It involves project promoters, governmental agencies, and local authorities. The recently renamed Directorate of Environment is responsible for analyzing EIA reports and conducting EIAs for governmental projects and policies. The system encourages project promoters to engage in public participation activities and makes public acceptance of projects an important component of the EIA process. However, the system faces several challenges, such as the cost of the EIA process, which makes it difficult for SMEs to submit EIA reports. The centralized system can also lead to biases in favor of governmental projects, and there is a heavy reliance on consultants that can be challenging.

#### ❖ Recommendations

**(1) The creation of an online database** of EIA reports would be effective in conserving and communicating EIA reports for the long term. Stakeholders would be able to access the reports online and consult them during the implementation process of projects. However, it is important to note that organizing, storing, and maintaining a large database would be necessary. Before creating this database, it is essential to implement a data retention policy that includes the objectives of retention, the type of data to be retained, compliance with ethical standards, privacy protection, and the duration of retention. Several tools can be used to create a database, such as HDDs, SSDs, tapes, and cloud storage. A free SQL database can also be created online.

**(2) Conducting a gap analysis** before amending the decree on environmental evaluation (lastly amended on 2011) will improve the quality of the current EIA system and identify major gaps with international development organizations' EIA or ESIA systems. It will also save time in the analysis of EIA reports by reducing misunderstandings and the need for further gap analysis reports on EIA reports of development projects.

**(3) Decentralizing the EIA system** will facilitate the communication of EIA reports, follow-up, and auditing activities. It will also promote the understanding of EIA among regional administrations and make the implementation of public participation activities easier. Regional administrations have a better understanding of the situation in their respective regions and are better suited to implement monitoring and auditing activities. Moreover, it will help in sharing knowledge and skills about EIA practices.

**(4) The time and cost of the EIA system** are key challenges for small and medium-sized enterprises (SMEs). Training regional and national-level EIA experts will reduce the time and resources required to assess EIA reports as it would eliminate the need to recruit consultants. Furthermore, reducing the cost and the time will promote the adoption of EIA by SMEs.

## References

- Bereketeab, R. (2016). Djibouti: Strategic Location, an Asset or a Curse? *Journal of African Foreign Affairs*, 3(1/2), 5–18. <https://www.jstor.org/stable/26661713>
- Bruch, C. (2006). Is International Environmental Law Really Law?: An Analysis of Application in Domestic Courts. *Pace environmental law review*, volume 23, Issue 2, pp 423-463. <https://digitalcommons.pace.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1085&context=pehr>
- General Assembly of the Republic of Djibouti. (2022). Law concerning the organization of the duties of the Ministry of environment and sustainable development (Law No 154/AN/22/8ème L), Official Journal of the Presidency of the Republic. (<https://www.presidence.dj/texte/154-an-22-8eme-l-10688>)
- General Assembly of the Republic of Djibouti. (2009). Law of the Environment Code (Law No 51/AN/09/6ème L). Official Journal of the Presidency of the Republic. ([https://www.presidence.dj/texte/51-an-09-6eme-l-4806?utm\\_source=algolia&utm\\_medium=instantsearch&utm\\_campaign=textes\\_juridiques](https://www.presidence.dj/texte/51-an-09-6eme-l-4806?utm_source=algolia&utm_medium=instantsearch&utm_campaign=textes_juridiques))
- Government of the Republic of Djibouti. (2011). Decree on the Environmental evaluation (Decree No 2011-029/PR/MHUEAT). Official Journal of Presidency of the Republic. ([https://www.presidence.dj/texte/2011-029-pr-mhueat-7344?utm\\_source=algolia&utm\\_medium=instantsearch&utm\\_campaign=textes\\_juridiques](https://www.presidence.dj/texte/2011-029-pr-mhueat-7344?utm_source=algolia&utm_medium=instantsearch&utm_campaign=textes_juridiques))
- John Glasson, Riki Therivel and Andrew Chadwick. (1999). Introduction to environmental impact assessment, the second edition, The Natural and Build series, page 2. ([https://eia-course.cug.edu.cn/\\_local/B/D0/5B/B788AF4559D3356C3C18EA56C98\\_3F163406\\_5EFC12.pdf](https://eia-course.cug.edu.cn/_local/B/D0/5B/B788AF4559D3356C3C18EA56C98_3F163406_5EFC12.pdf))
- Morrison-Saunders, A., Bailey, J. (1999). Exploring the EIA/Environmental Management Relationship. *Environmental Management journal*, Volume 24, pages 281–295. <https://doi.org/10.1007/s002679900233>
- Ronald B. Mitchell. (2003). International Environmental Agreements: A Survey of Their Features, Formation, and Effects. *Annual Review of Environment and Resources*, volume 28, issue1, pages 429-461. <https://doi.org/10.1146/annurev.energy.28.050302.105603>
- Shihata, Ibrahim, F. I. (1997). Implementation, Enforcement, and Compliance with International Environmental Agreements - Practical Suggestions in the Light of the World Bank's Experience. 9 *Geo. Int'l Envtl. L. Rev.* 37. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/gintenlr9&div=8&id=&page=>