



Date: 26th March, 2009

Notice of Registration

Re: Request for Compliance Review and Mediation
Request No.: RQ2009/01
Country: Ethiopia
Gibe III Hydroelectric Power Project

The Compliance Review and Mediation Unit (CRMU) received on the 5th of March 2009 the Request for the review of Gibe III Hydroelectric Power Project in Ethiopia which is under consideration for financing by the African Development Bank (AfDB). The Request - dated 4 February 2009 - was submitted by the Friends of Lake Turkana, a Kenyan based non-governmental organization, representing some of the Lake Turkana communities: Turkana, Dassanach, Rendille, Gabbra and Elmolo.

Since the Request fulfills the preliminary requirements for registration under the Independent Review Mechanism (IRM) Operating Rules and Procedures, and pursuant to paragraph 19 and 20 of these IRM Rules, I am notifying you that the Request has been registered in the IRM Register of Requests on 26 March 2009 for problem solving. The Register of Request is published on the AfDB website at www.afdb.org/irm.

The Gibe III Hydroelectric Power Project, which is being developed by the Ethiopian Electricity Power Corporation (EEPCCO) of Ethiopia, is located within the Gibe – Omo River Basin, in the middle reach of the Omo River, around 450 km by road south of the capital Addis Ababa. It is a 1,870 MW power plant which is intended to produce 6,400 Gwh of firm energy per year. The Gibe III Hydropower scheme comprises a 240 meter high dam which will create a huge reservoir with a surface area of some 200 km² and a live storage of some 11,750 million m³ and a surface powerhouse equipped with ten power generating units and switchyards.¹

The scheme, from the root of its reservoir to its tailrace outfall, extends over a corridor some 155 km long. Administratively, the reservoir stretches over five zones and twelve weredas. The downstream area extends from the dam site up to Lake Turkana. Omo River below the Gibe III dam traverses through the four weredas of South Omo Zone.²

¹ From the Environmental and Social Impact Assessment (ESIA) Summary, Section 2

² ESIA Summary, Section 2

The power produced by the 1,870 MW Gibe III project will be delivered to Interconnected System (ICS) through a 65 km long four double circuit 400kV overhead transmission line that connects the Gibe III to a new substation at Sodo.³

According to the screening criteria of the AfDB, the Gibe III project is a high-risk category '1' project, for which a full scale environment and social impact assessment (ESIA) is required. According to the AfDB Summary ESIA of the Gibe III Hydroelectric Power Project, an ESIA report was prepared to fulfill the requirements and to justify the AfDB's involvement in financing the project.⁴

The ESIA Summary⁵ *inter alia* states that the following AfDB policies dealing with environmental and social issues related to the project were taken into consideration for the preparation of the ESIA and ESMP⁶ reports and the Gibe III project is in compliance with the AfDB policies:

- Environment and social assessment procedures and guidelines
- Guidelines on Involuntary displacement and resettlement in developing project
- Policy on Gender
- Policy on Collaboration with CSOs.

Furthermore, the ESIA Summary states that the Federal EPA administers the EIA process in Ethiopia, and as set out in its establishment proclamation, EEPKO has complied with the EIA and procedural and documentation requirements of EPA, with submission of the ESIA, ESMP and Resettlement Action Plan reports.⁷

In addition, the ESIA Summary states that the Federal Democratic Republic of Ethiopia has ratified several international conventions and protocols, and some of these have relevance to Gibe III Hydroelectric Power Project and these include:

- Convention on Biodiversity (Rio convention)
- Frameone convention of UN on climate change
- African convention on the conservation of Nature and natural Resources
- Convention on Wetlands of International importance Especially as waterfowl Habitat (Ramsar)
- Convention concerning the protection of world cultural and Natural Heritage.⁸

The ESIA Summary concludes that: “*Based on the assessment of the ESIA, the project is considered to be sound and sustainable from both environmental and social points of view*”⁹.

³ ESIA Summary, Section 2

⁴ ESIA Summary, Paragraph 3.2.1

⁵ ESIA Summary, Paragraph 3.2.2

⁶ Environment and Social Management Plan

⁷ ESIA Summary, Paragraph 3.1.2

⁸ ESIA Summary, Paragraph 3.4

⁹ ESIA Summary, Section 10

The Requesters claim that their request is *“in response to threats to the viability of the world’s largest permanent desert lake in northwestern Kenya and southwestern Ethiopia. They furthermore argue that “The Gibe III Dam would have a serious impact on the flow and volume of the Omo River, which provides some 80% of the Lake’s [Lake Turkana] replenishing inflow”.*

With reference to the project’s Environment and Social Impact Assessment, including the Additional Study of the Downstream Area, approved by the Ethiopian Government in July 2008, the Requesters state that they *“find these documents seriously flawed”* and that *“the impact of Gibe III on Lake Turkana is barely acknowledged, and then only to be dismissed with spurious claims that the project will benefit the lake.”* Furthermore, they argue that *“These documents provide little scientific analysis regarding potential changes in the river flow, volume, and chemical balance”* and that *“The economic devastation that would accompany such impacts would almost certainly mean a significant upswing in the violent conflicts that have often engulfed the region’s people”.*

The Requesters believe that poor analysis and exclusion of the Turkana people in project preparation to date has violated multiple AfDB policies, including: the Environment and Social Assessment Procedures, Policy on Poverty Reduction, Resettlement Policy, Public Disclosure Policy, and Policy for Integrated Water Resources Management.

The Requesters say that they have been in contact with the Bank’s staff responsible for AfDB’s project preparations. They sent the staff a request to convene a conference call during which they would like to raise their questions and concerns. However, according to the requesters, this conference call was delayed several times. Finally they received a note from the Bank on 30 January stating that *“we [the Bank staff] are unable to hold the teleconference involving various organizations as suggested”.* Instead of the teleconference, the Requesters claim that they received a written explanation to their questions which they found *“selective and grossly inadequate”.*

In their conclusion, the Requesters demand that: *“CRMU undertake, with urgency, investigation and mediation efforts which will ensure that affected communities are consulted and their interests and welfare taken into account before the Gibe III project is submitted to the AfDB Executive Board for consideration”.*

On the basis of the preliminary review of this Request, CRMU has decided that, at the first instance it will pursue the matter through a problem-solving (mediation) exercise between the Bank’s management and staff and the representatives of the Requesters.

In accordance with paragraph 31 of the IRM Operating Rules and Procedures, the Bank’s Management must provide CRMU by no later than 24 April, 2009 with a written evidence that it has, or intends to comply with the Bank Group’s relevant policies and procedures.

The Request has been assigned the following Request number: RQ2009/01. The Requesters, the Bank's Management and other interested parties shall refer to this Request number in their future correspondence with CRMU. All decisions and correspondences with the Requesters relating to the Request will, until further notice, be communicated through the following contact person:

Ms. Ikal Angelai
Chairperson of Friends of Lake Turkana
P.O. Box 128
Lodwar, Kenya

Upon receipt of the Management's response and possible additional information from the Requesters, the Director of CRMU will, in accordance with Article VI of the IRM Operating Rules and Procedures, initiate the problem-solving (mediation) exercise by inviting the interested parties to discuss and find an amicable solution to the alleged problem.

Yours sincerely



Per Eldar Sovik
Director

Compliance Review and Mediation Unit

To: Ms. Ikal Angelai
Chairperson of Friends of Lake Turkana

To: Dr. Donald Kaberuka
President of the African Development Bank Group

Cc: Executive Directors
African Development Bank Group