Access to Environmental Justice in Oromiya Region

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I. INTRODUCTION

Access to environmental justice is the means used to protect the right to live in clean and healthy environment which is recognized under Oromiya Regional State Constitution and international instruments adopted by our country. Environment is a broad concept and is the sum total of water, air and land interrelationships among themselves and also with the human being, other living organisms and property. It includes all the physical and biological surrounding and their interactions[1]. It belongs to all the living beings and thus is, important for all. Each and everybody of whatever occupation is affected by environmental issues like global warming, depletion of ozone layer, pollution, loss of global biodiversity etc. Access to environmental justice is needed to protect environmental damages and is an important to safeguard the safety of environment.

Regulation of the environment and decisions about development and environmental policy impact upon our quality of life by influencing and affecting our health, as well as that of our natural environments and the availability of and access to natural resources. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.

In Oromiya region many laws including the Constitution, environmental pollution control proclamation, and environmental impact assessment proclamation are enacted to protect the environment and to safeguard the right of citizens to live in clean and healthy environment. Especially, in case of infringements of environmental rights the right to access to justice is incorporated into these laws. But even if many laws are enacted to protect the environment and the right of citizens to live in clean and healthy environment, there is a problem in making the law practical. The right of people to participate in environmental decision making process, access to environmental information and in case of infringements of these rights access to justice is under question in Oromiya region.

This article aims to analyze how access to environmental justice is exercised in Oromiya region. In the first part the general overview of access to environmental justice is discussed.

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The second part deals with the practical and the legal problems that hinder the realization of access to environmental justice in Oromiya region. Access to environmental information, access to public participation in environmental decision making process and access to justice are discussed in details. Finally, conclusions and recommendations are made on the basis of analysis.

II. GENERAL OVERVIEW OF ACCESS TO ENVIRONMENTAL JUSTICE

The concept of environmental justice is largely the product of the activities of a network of a community groups in United State of America. These groups have registered the sitting of polluting factories and waste sites in predominantly black neighborhoods and indigenous people's reservations. This movement has been aided by a substantial United State academic literature and activist which has documented the extent and causes of environmental injustices[2]. This led the way in developing the environmental justice, in which it is widely accepted globally[3].

Environmental justice is not universally defined[4] and has different meaning to various communities and institutions based in place, time, and perspectives.[5] Environmental justice usually refers to the benefit that all citizens, regardless of ethnicity or socio economic class, should equally share the benefits of environmental health hazards and in which they got justice in case when the environment in which they live in is affected. Most definitions have common themes of justice in distribution, procedures, and process.[6] The concept of environmental justice rise a mechanism of accountability for the protection of rights, the prevention and punishment of wrong doers related to the disproportionate impacts of growth on the vulnerable in the society of ecosystem services, and from inequitable access to and benefits from the use of natural assets and extractive resources.[7]

Environmental justice is an emerging development issue that can contribute to fighting legal discriminations, eliminating poverty and reducing inequality concerning environmental matters.[8] Many communities around the world face growing pressures from resource security and rising levels of pollution, posing risks to lives and livelihoods and exacerbating often long standing systems of structural inequality. In the absence of effective means to enforce their rights, the community lack effectively access to and benefits from the natural resources they host, or challenge the impacts of pollution on their health

and welfare, and that of future generations.

The 2011 United Nation Development Program Human Development Report highlighted the cost of ignoring social developmental interdependencies; chronic and structural poverty and income inequality, disempowerment and exclusion from decision making, and a lack of agency among citizens and communities. In particular, it raised attention to varies multidimensional aspects of poverty, and how multiple forms of deprivation are closely connected to the nature of ecosystem services, natural resource access and benefit sharing, and pollution aspects on health and welfare.[9]

At the summit in Rio de Janeiro in 1992, governments signed the Rio Declaration affirming, among others, the principle that environmental decisions are best made with the participation of all relevant stakeholders' participation that is supported by access to information and backed by access to remedies and relief.[10] It also state that Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual should have appropriate access to information concerning the environment that is held by public authorities including information on hazardous materials and activities in their communities, and the opportunity to participate in decision making process. States have to facilitate and encourage public awareness and participation by making information widely available. Also members have to provide effective access to judicial and administrative proceedings, including redress and remedy to the victims. Taking action to make this principle to a reality is very important. Public participation, access to information and judicial and administrative proceedings in case of environmental matters are essential to the promotion of access to environmental justice. Access to environmental justice requires the meaningful involvement and active participation of regional, national legislatures and judiciaries, and all major groups.[11] In general, an access to environmental justices has three pillars access to environmental information, public participation in environmental decision making process, and access to justice. Let see its implementation in details in Oromiya region as follow.

A. Access to Environmental Information

In any environmental democracy[12] the access of citizens to environmental data and information being held by public authorities for public interest is significant. It forms a bridge of communication between citizens and public authorities in the environmental decision making processes and it enables citizens to take part in a process of policy development in environmental issues. Access to environmental information also increases the citizens' awareness to ensure the public authorities to be transparent and disseminate information relevant to environmental community.[13] Access to environmental information about a particular development or government process on an environment is an important for effective consultation in environmental decision making process. People need access to information about government processes such as environmental policy development or environmental impact assessment in order that can understand why and how decisions are made and then participate in that process. In adequate access to information is impediment to consultation because the public is prevented from being privy to the matters considered by decision maker, and is thereby unable to criticize or comment on the basis up on which the decision was made. Therefore, freedom of information laws and government policy on disclosure of information that encourages openness and transparency, are critical in providing access to environmental justice.[14]

Access to environmental information disseminated to the public by using different means. Methods such as advertisements in local newspapers and noticeable signs on the site, in conjunction with letters to those affected are preferable. Dissemination of environmental information include inter alia legislation and policy documents such as strategies, policies, programmers' and action plans relating to the environment, and progress reports on their implementation, prepared at various levels of government at international treaties, conventions and agreements on environmental issues and other significant international documents on environmental issues.[15]

Right of Access to environmental information is stipulated under principle 10 of Rio Declaration. It imposes a duty on signatory parties to facilitate and encourage public awareness and participation by making information widely available. This may be by using newspaper or media or other means as the case may demands. Since 1992 Ethiopia is a signatory of Rio Declaration. Hence, all international agreements ratified by Ethiopia are considered an integral part of the law of the land[16] and all Federal and State legislative, executive and judicial organs at all levels have the responsibility and duty to respect and enforce provision of this declaration.[17] Thus, it directly imposes a duty on Oromiya Regional State to respect and enforce the provision of Principle 10 Rio Declaration.

These laws require that public authorities to disseminate the environmental information to the public to the widest extent possible. The government has the duty of making arrangements to facilitate the information provision including on the basis of public lists, electronic data bases, registers, giving active support by officials to those seeking access to information and provide points to contacts. The Oromiya region has the duty to ensure observance of these provisions. Under the article 107(3) of Oromiya regional state Constitution it is stated as people have full consultation and expression of views in the planning and implementation of environmental policies and projects that directly affect them. The consultation and expression of views of people on the environment that directly affected them prerequisite access to information about the project conducted. In Oromiya region even if the Constitution and Rio Declaration states the right of access to environmental information, there is a huge problems in its implementation. There is no system in the region like advertising in local newspaper, radio, television, social media

and other means which is appropriate to disseminate environmental information to the people directly or indirectly affected by the project going to be conducted.

Disseminating environmental information to the community help to know their rights and duties and create transparency between public authority and the people. Even legal practitioners of the region including judges and public prosecutors have no information about the governing laws of environment enacted in the region. Like environmental pollution proclamation no. 177/2005, environmental impact assessment no. 176/2005, solid waste management proclamation no. 513/2007, water resource management proclamation no. 197/2000, wildlife development conservation and utilization proclamation no. 541/2007, urban water supply and sewerage service enterprise proclamation no. 97/2005 are mostly unknown proclamations. These pave the way people being silent when their right to live in clean and healthy environment is violated. This directly violate right of access to environmental information recognized under international instruments and under the state constitution. Having no information about the environments in turn directly affects the rights of the citizens' access to environmental justice.

B. Public Participation in Environmental Decision Making Process

Access to environmental justice requires that the public meaningfully participate in process of environmental decision. It requires that the public be provided with sufficient information, presented in a sufficiently clear manner, to be able to understand the environmental decision to be made and the risks that would flow from that decision. Consultation cannot involve merely telling the public about the proposal. It must also involve meaningful exchange between the decision maker and the public, with the possibility that the input of the public can influence the ultimate decision. Genuine public participation in process of environmental decision making process should be made. Also, appropriate weight is to be given to the opinion given by the public when the decision is ultimately made.[18] Public participation procedures include reasonable time informing to the public, time for preparation and for participation effectively during the environmental decision making.[19]

Meaningful involvement of public in environmental matter mean if; potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment, the public's contribution influence the regulatory agency's decision, the concern of all participants involved will be considered in the decision making process and the decision makers seek out and facilitate the involvement of those potentially affected and if and only if all of these requirements fulfilled we can say there is ameaningful involvement of public participation in environmental decision making process.[20]

Public participation in the environmental decision making process takes place largely to mitigate environmental harm, such as in preparation of environmental impact assessment, permitting processes and through policy making and planning bodies such as legislatures and zoning boards. Public participation improves the legitimacy of decisions, helps build stakeholders capacity, improves implementation and sustainability of decisions.[21]

Countries follow different legal requirements, especially in conducting environmental impact assessment, for effective public participation in the environmental decision making process. In Guyana, the Environmental Protection Authority contains express provisions for publicconsultation. Under section 11(9) of the Environmental Protection Authority of Guyana specifies that the developer must consult members of the public, interested bodies and organizations with the mechanisms for consultation including scoping meetings, structured interviews, key informant interviews and written submissions and the agency is expected to provide to members of the public on request, and at no more than the reasonable cost of photocopying, copies of

information obtained for the purpose of Environmental Impact Assessment.[22] Also, the Environmental Protection Authority provides that before Environmental Impact Assessment can commence, the agency has to publish in a daily news paper giving the members of the public 28 days from the date of the notice to submit written comments to the agency.[23]

Also in South Africa, all potentially interested and affected parties that are subjected to public participation are consulted by affixing a notice board at the place conspicuous to the public, by giving notice and by placing advertisements.[24] In United State, usually 45 days comment period is given with the possibility of reduction or extension as the case may be.[25] These all show that different jurisdictions and legal regimes have different requirements in relation to public participation in environmental decision making process.

Principle 10 of Rio Declaration imposes a duty to signatory parties to facilitate and encourage public awareness in participation of environmental decision making process. In addition to this the Oromiya Region enacted many Laws that encourage public participation in environmental decision making process. The Constitution of Oromiya Region under title National Policy Principles and Objective stresses the need of public participation to be fully consulted and expressed their views at the time of planning and implementation of environmental policies and projects that would affect them directly.[26]

Among the objectives of Environmental Policies are ensuring the development, conservation and sustainable use of essential ecological processes and life support systems, biological diversity and renewable natural resources and the empowerment and participation of the people in environmental management are the major one.[27] The law also

imposes a duty on the authority to insure the public consultation during the project implementations. The authority insures the inclusion of opinion of public, particularly of the affected community in environmental impact assessment study and their participation while review of the environmental impact assessment report is made.[28] The authority after evaluating an environmental impact study reports by taking into account public opinions and expert comments approve the project without conditions and issue authorization within 10 working days.[29] These all show as public consultation is recognized under our laws and obligate the authority to insure the public consultation and give the right to the public to participate in environmental decision making process.

According to Environmental Impact Assessment of Oromiya Regional State Proclamation, the public must participate at two stages: during the making and review process of Environmental Impact Assessments. When we see the public participation in practice it is too far from this. Some project owners when they conduct environmental impact assessment they only for formality list the names of a few individuals together with their signatures.[30] This really leaves doubt that public participation in environmental decision making process. Also Bureau cannot be sure whether the lists attached to the Environmental Impact Assessment Document are peoples directly or indirectly affected by the project going to be implemented. Also, there are no specific guidelines that govern how and a reasonable time given to the public for participation as experiences of countries like Guyana, United State and South Africa. It has not been possible to determine what actually constitutes public participation. How to conduct genuine public participation is not known in Oromiya region. Whether it includes all adult or most of the people nothing is known. Also how the public decisions made, whether decision is made unanimously or by majority vote, and the consequence of public participation when people demonstrate as they are severely affected by the project is unknown and under question. We can see as an example the establishment of China Tanner factory were people demonstrate as it severely affect their life and the rejection of their opinion without any consideration.[31]

The absence of genuine public participation in environmental decision making process is a clear violation of the constitutionally guaranteed rights of the people. All the Peoples of the Oromiya region have the right to participate in regional development and, in particular, to be consulted in respect to policies and projects affecting their communities.[32] It is based on this constitutional rule that the right of public participation in environmental decision making process is granted. Lack of effective mechanisms for public participation in environmental decision making process have direct effect on access to environmental justice that recognized under our constitution and international instruments that our country is a signatory.

C. Access to Justice

Access to justice is the ability of people to seek and obtain a remedy through formal or informal institution of justice for grievance in compliance with human right standards.[33] Access to justice involves normative legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight.[34] Access to justice supports sustainable peace by affording the population a more attractive alternative to violence in resolving personal and political disputes. Access to justice plays a direct and important role in promoting government accountability and has principal purpose of strengthening freedom of information, ensure citizens right to participate meaningfully and appropriately included in decision making process.[35] Access to justice increases the public's ability to seek redress and remedy for harm occurred.

Environmental democracy is about government being transparent, accountable, and involving people in decisions that affect their environment. International law and many national laws today recognize that access to justice as a pillar supporting environmental democracy. Access to justice allows people to hold government agencies, companies and individuals accountable in case they cause environmental damage.[36]

The right to an effective remedy, meaning access to justice and redress, can be found in both human rights law and in environmental law. The United Nations Covenant on Civil and Political Rights under article 2 calls for states to provide a remedy whenever rights protected under national or international laws have been violated. In the European Convention on Human Rights, Article 13 guarantees a remedy whenever there is a violation of the rights and freedoms contained in the Convention, thus encompassing violations of the right to information. The Inter- American and African regional human rights systems contain a similar guarantee. Environmental instruments frequently proclaim the need for effective remedies. Rio Declaration under principle 10 guarantees individuals access to judicial and administrative proceeding including redress and remedy in case of environmental damage.

Access to environmental justice covers three types of legal issues. Claims to challenge denial of access rights, to prevent or remedy environmentally harmful activities, and to enforce environmental laws. National or local laws are directly control how much access to justice a particular court or tribunal provides each type of claim. A wealth of international and national laws and legal authorities require or support broad access to justice.[37]

Access to information, meaningful participation, the redress of environmental harms and the enforcement of law are guaranteed through access to justice. Access to justice is the right to redress and remedy and ensures accountability and the rule of law. Redress and remedy can be provided by several different institutions, including the judicial branch of government, special administrative forums in the executive

branches of government, extra governmental dispute resolution mechanisms and even traditional forms of mediations.[38]

The rights to bring suit to these institutions are those who have legal standings. Standing (locus stand in court) is the set of legal rules that determine who can initiate a law suit or participate in a government proceeding. Standing rules, either stated in legislation or developed through judicial or administrative decisions describe the qualifications that a person, business, government agency, or Non Governmental Organizations must meet the stated requirements in order to obtain access to justice.[39]

Institutions that entertain environmental cases have open and restricted standings. Environmental Court Tribunal laws and rules that provide the best access to justice authorize standing for any person raising an environmental issue, including individuals, citizen and community groups, business, Non Governmental Organizations, and future generations. The Environmental Court Tribunals can be given authority to dismiss and /or penalize frivolous, vexatious, or otherwise improper filing, rather than use standing restrictions as a door keeper. The Philippines Supreme Court draft rule and South Africa's National Environmental Management Act No. 107 of 1998 are good examples of definitions of open standing provisions in court rules and in legislation, respectively.[40]

Article 37 of Oromiya Regional State Constitution states that '*everyone has the right to bring a justifiable matter to, and obtain a decision or judgment by, a court of law or any other competent body with judicial power. This is sought by any association representing the collective or individual interest of its member or any group or person who is a member of, or represents a group with similar interests'*. This provision gives the right to an individual or group or an association representing the interests of its members. Even where the person is interested in the case, s/he needs to be authorized by the people on whose behalf s/he takes the case. In the same fashion, the civil procedure code requires the representation in civil case.[41] In other way standing for any person raising an environmental issue, including individuals, citizen and community groups, business, Non-Governmental Organizations, and future generations without showing their interest or their authorization by law is not recognized under Oromiya constitution. No public interest litigation is allowed under this Constitution. But it seems as there is a public litigation under Oromiya National Regional State Environmental Pollution Control Proclamation. Under this proclamation it is stated that '*any person shall have the duty to inform the Bureau against anybody allegedly causing or potential damage to the environment. When the Bureau fails to give a decision within fifteen days of the acceptance of the tip-off or the person who has tipped-off is dissatisfied with the decision, may submit the case to the court within sixty days from the date the decision was given, or supposed to be given'*.[42] Unlike the provision of the Constitution, the stipulation of the above proclamation authorize any person who dissatisfied with the decision of the Bureau or when Bureau fails to give a decision within fifteen days to

lodge to the court. The wording of this provision grants standing to a private individual for initiating action against any person who is allegedly causing or caused potential damage to the environment. It allows any person, even having no vested interest, to initiate proceedings against any person who is causing or is likely to cause damage to the environment. This enable environmentalist, public spirited individuals, Non Governmental Organizations, or Organizations can invoke this provision in their fighting against environmental pollutions. This enables a private individual to make more responsive to the environmental protection while environmental protection authority become inactive in discharging their duties. This provision is an exception to the article 33 of Ethiopian Civil Procedure Code of 1965 which lays down a general principle that no person can be a plaintiff in a civil action unless he has vested interest in the subject matter of the suit.

Even if the stipulation of pollution control proclamation gives to anyone without showing a vested interest the right to bring a suit to the court, there is a huge problem in its implementation. We cannot find a single case lodged by an individual/Organization against a body *allegedly causing or potential damage to the environment*. Also, there is no public litigation initiated and devised so as to enable any public spirited person easily access the judiciary representing to achieve environmental justice. Hence it is very difficult for Organization or individuals to collect information that substantiate his/its allegation to the court of law. They have no any authority to collect any information from the polluter or from regional environmental authority. According to article 13 of the environmental impact assessment proclamation it is only the regional environmental protection that obligates a person engaged in activities which damage the environment to provided information. It also does not have any legal authority to seek entry into the premises where alleged environmental pollution activities are being carried out, to take sample of the effluents there form, or to inspect documents or equipments. Without the authorization of law if it does so he/it is prosecuted for unlawful trespass as stated under article 2053 of Ethiopian Civil Code. In the absence of such information it is bound to lose the case before the court of law. Because of these legal problems the provision of this article practically turns out to be non-existent. In Oromiya region, such kind of trend is not developed and the law enacted cannot invite for such action. This in turn affects the right of citizens' access to justice.

III. BARRIERS OF ACCESS TO JUSTICE ENVIRONMENTAL JUSTICE

There are many barriers of access to environmental justice in Oromiya region. Some of them are listed below.

1. *A. Absence of Established Procedural System*

Accesses to environmental justices are yet not articulated well in Oromiya region even though same substantive rights have been promulgated. Among the barriers access to justice is the absence of established procedural system in case of violation of environmental justice. Country like, Kenya, has a good experience by establishing procedural rights of accessing environmental justice. In Kenya, judicial and non-judicial forms of dispute resolutions are established to ensure access to environmental justice. Courts of law, national environmental tribunals, public complaints committee, elders, chief, peace committees, provincial, district and legal environment committees are established by law to hear environmental issues.[43] Such procedural systems are not developed in Oromiya region. Even some provisions of law enacted for environmental protection are not comprehensive in addressing grievances. For example, a person who dissatisfied with the authorization given during project implementation or during monitoring or any decision taken by the Bureau regarding the project could summit a grievance notice to the head of the Bureau.[44] But, the law says nothing one that has a grievance on the decision of the head of Bureau to whom it submit.

B. Lack of Established Environmental Standard

Environmental standards play the main role for improving access to environmental justice. It provides methods of handling industrial wastes. This involves collection, transport, processing and recycling or disposal of waste materials for health, environmental, and aesthetic purpose.

The environmental quality standards are indispensable instruments to ensure the well being of human beings as well as other living things. However, there are no environmental standards to be applied in the region. In principle, it is considered essential that environmental standards should be based on the concrete conditions in the region and have a regional character. It also requires adequate and reliable data. Hence, this consideration probably made the development of standards very difficult. The law authorizes Oromiya rural and environmental protection Bureau to enact environmental standards based on the specific situation of the region for different areas.[45] The environmental standard include standards for discharge of effluents into water bodies and sewage systems, air quality standards that specify the ambient air quality and give the allowable amounts of emission for both stationary and mobile air pollution sources, standards for the types and amounts of substances that can be applied to the soil or be disposed of on or in it, waste management standards specifying the levels allowed and the methods to be used in the generation, handling, storage, treatment, transport and disposal of various tapes of waste.[46] Even though there is an environmental damage and environmental pollution is frequently occurred in Oromiya region because of lack of environmental standards the violators are not made accountable. The law says no person shall pollute or cause any other person to pollute the environment by violating the relevance environmental standard.[47] However, this can only be realized and enforced when standards are formulated identifying and grading various pollutants. The existence of such standards would allow identification of the installations that are causing pollution and make them liable under the law. Since till now, there is no environmental standard established in the region. This made polluters not liable under the law. Because of this many industries in the region are polluting and polluted the environment and adversely affecting the live of the people.

Due to industrialization and increased population, the drains of Oromiya carry the industrial and municipal effluents that are ultimately carried that polluted water to the rivers. The untreated industrial and municipal wastes have created multiple environmental for irrigation, drinking and sustenance of aquatic life.[48] The drainage water contains heavy metals in addition to biological contaminations. This water pollution infected food in addition to ground water contamination when used to irrigate crops. Because of lack of environmental standards established in the region human suffering incurred due to the pollution of *Akaki*, *Modjo* and *Atebela* rivers by Industries. The pollution of these rivers is mainly caused by liquid and solid by products of industries and garbage dwellers from Addis Ababa, the Capital City of Oromiya. Liquid and solid by products of industry drained to the rivers without any treatment.[49] Many industries, example a number of Tannery Industry located in Mojo and Sabbeta have no treatment plants. These rivers are now totally polluted by product of industries and now they are out off function. The society did benefit in different ways from these rivers. The people in the vicinity of these rivers did use the water for bathing and washing their clothes. Furthermore, the people in the village did use the water for drinking and other daily consumptions, and rearing their animals. The continuous and persistent pollution of these rivers made the life of the people worst.[50] The damages sustained by the animals and plants of these areas have severe effect on the economy of the society. The people tends to did use these rivers for their daily life, they are directly or indirectly becoming susceptible to heath problems which in turn may have the potential to jeopardize their very existence. The health problems also emanates from the offensive odor in and around those rivers which makes life miserable. In general, the pollution of these rivers puts the health and economy of the society at stake.[51]The pollution of these rivers is adversely affecting the right of the society to live in a clean and healthy environment which is granted by the constitution and international instruments like Rio Declaration which our country is a signatory.

2. *C. Lack of Established Environmental Laboratory*

Accesses to justice also require the establishment of environmental laboratory where samples are analaysed. It is the duty of the Bureau that establish environmental laboratory in order to discharge its responsibility in view of environmental protection and pollution control according to article 10(1) of the proclamation. This helps the Bureau to monitor and ensure the quality and standard of waste from municipal and different organizations by sampling at spot

when necessary. But till now, the environmental laboratory is not established in the region. This made the Bureau when person contravenes any of the provision of any law that enacted to protect the environment specifying the measures that are going to be taken and when on duty suspect that may cause damage to the environment taking corrective measures up to the immediate discontinuation of the activity ineffective.

D. Lack of Awareness

Among the barriers access to justice is lack of awareness about rights and duties provided under the environmental law on the part of the citizens and legal practitioners. Accesses to justice require public awareness about their right and duty. Very little is known about the law governing the Environment in Oromiya region. One of the reasons for such low level of knowledge about this is that the law making process has not been participatory. Law is enacted without sufficient participation of people concerned and stakeholders. Communities who directly or indirectly affected or benefited from that law have never been consulted.[52] Most legal practitioners went to law school when environmental law is taught as an elective course. This raises the question as to whether judges and lawyers are adequately equipped to handle environmental matters. Also, there is a huge problem on the accessibility of enacted laws. There is no system of circulating the enacted law to reach the communities at large, even to the legal practitioners. This all made the right of people access to justice under question. These directly affect the right of citizens' access to justice recognized under our constitution and international instruments signed by our country.

IV. CONCLUTION AND RECOMMENDATION

Access to justice in environmental matters is critical to the realization of environmental rights**.** It is a mechanism by which the environment is protected and the wrong doers are accountable for environmental damage they cause. Shortly, a means by which a constitutional right of citizens' to live in a clean and healthy environment and the law enacted for the protection of environment is fully realized. This require access to environmental information, access to public participation in the process of environmental decision making and access to justice. These rights are recognized in constitution, environmental protection policy, environmental pollution control proclamation, environmental impact assessment and international instruments for the protection of environment signed by our country. These laws are in nature general and need detail laws for implementations. There is a gap between the law and the practice in the implementation of access to justice in Oromiya region.

The government to fully realize the environmental justice must enact detail laws a means by which citizens have to participate in environmental decision making process, how the environmental information is access to the people and access to justice in case of the right of citizens' infringed and environmental damage is sustained by means the wrong doers are accountable must be established. Therefore, the concerned body must enact detail laws like Countries Kenya, South Africa and America.

Citizens affected by proposed development projects should be provided with information about the location, scope, extent and nature of the project through the publication of Environmental Impact Assessments in a timely manner during the planning stages and prior to project's commencement. It should contain predicted environmental impacts of the project and an assessment of environmentally friendly alternatives to the project.

Documents which contain valuable information for citizens on whether projects and facilities are operating in compliance with environmental laws and within the standards and conditions imposed should be made publicly available in a timely manner. Governments should introduce mandatory and cost effective must enact detail laws must enact detail laws and procedures for public comments and hearings in environmental decision making processes involving all new development projects, the sitting and operational compliance of industrial facilities and the creation or revision of regional laws and regulations affecting the environment. Full implementation of public participation means that each person should know about their right to participate and should have ample guidance on how, when and where to exercise this right.

Inconsistence between laws must be solved. For example, under Article 17 of environmental pollution control proclamation it allows the public litigation and because of article 13 of the proclamation fails to give power to any person to collect evidence and enter premises of the project the provision of this article is not fully realized. The consistence of this and other provisions discussed above must be made.

In order to realize access to environmental justice environmental standards based on the specific situation for different area and environmental laboratory have to be established. Also, awareness concerning laws enacted for the protection of environment has to be given to the people and legal practitioners.

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