

Mapping human rights risks, policies and practices of foreign investment companies in Ethiopia: Evidence from floriculture industries

This Policy Brief summarises the results and recommendations of a larger piece of research developed in 2022 by Fasil Mulatu Gessesse, Belay Tizazu and Christophe Van der Beken from the Center for Human Rights, Addis Ababa University. The full article will be published in 2024.

SUMMARY

The Ethiopian regulatory framework pertaining to flower farms and the environment, and, particularly, its implementation, are affected by the government's predominant attention to economic growth, negatively impacting an effective regulation. Although the Ethiopian government has incorporated the obligation of business enterprises to respect human rights and the right to a clean and healthy environment in its legislation, it has not taken sufficient steps to ensure businesses effectively respect human rights. Self-regulatory initiatives taken by the floriculture industry, both at the global and Ethiopian levels, attempt to address some of the shortcomings in the regulatory and governance framework. However, the standards they generate remain voluntary, and businesses' adherence to them is not guaranteed.

The performance of floricultural corporations in terms of compliance with the right to a clean and healthy environment and related workers' rights is not uniform. Self-regulation does establish standards and goals, but adherence to them is ultimately based on the corporations' voluntary compliance. Hence, in order to create uniform practices, adequate government regulation and enforcement will continue to be necessary. To this extent, the study recommends that the Ethiopian government align its regulatory framework with the UNGPs (United Nations Guiding Principles on Business and Human Rights), which mandate corporations to conduct human rights due diligence, including environmental rights.



CONTENT

A – Problem

In the past two decades, floriculture has been one of the economic sectors that has attracted considerable foreign and domestic investment in Ethiopia. The sector is booming and may, as such, contribute to the economic development of the country. It generates considerable foreign revenue and has created employment opportunities for hundreds of thousands of individuals. Yet, at the same time, the sector causes environmental pollution that may affect sustainable development (including the environmental rights of the workers and of nearby communities) as well as the sustainability of the sector itself.

Previous studies have identified considerable adverse environmental impacts of the floriculture industry in Ethiopia that, from a human rights perspective, constitute significant adverse impacts of a range of internationally and domestically protected human rights such as the rights to life, health, and water, as well as the right to a clean and healthy environment itself. Human rights, for their part, have the potential to contribute to better environmental protection. Such a premise has inspired this study on the environmental impact of floricultural companies in Ethiopia from a human rights perspective. To this extent, the study provides an updated empirical identification of the risks associated with the right to a clean and healthy environment, both in terms of the environmental impact on society as a whole and the impact on workers' health.



The Ethiopian regulatory framework pertaining to flower farms and the environment, and, particularly, its implementation, are affected by the government's predominant attention to economic growth, negatively impacting an effective regulation. This situation is surely not unique to Ethiopia but is rather characteristic of many countries in the global south whose urgent economic development needs have led to a prioritisation of economic growth over environmental protection.

Although the Ethiopian government has incorporated the obligation of business enterprises to respect human rights and the right to a clean and healthy environment in its legislation, it has not taken sufficient steps to ensure businesses effectively respect human rights. Self-regulatory initiatives taken by the floriculture industry, both at the global and Ethiopian levels, attempt to address some of the shortcomings in the regulatory framework and its management. However, the standards they generate remain voluntary, and businesses' adherence to them is not guaranteed.

For instance, although the study has revealed a number of good emerging practices, such as waste management through composting wetlands and the treatment of liquid waste using constructed wetlands, it has also identified the state's inability to control the importation of chemicals that are toxic for the workers and the wider environment. Intensive and unsustainable use of water also continues to be an important problem on the farms.



With regard to workers' rights, the study found that all of the farms visited have a workplace policy and health and safety precautions and standards, with varying quality of the displays, clarity, and user-friendly content. On-farm clinics and rest rooms for pregnant women are available at all of the farms visited. Nonetheless, women complained that they had worked in green house harvesting during their second and third trimesters despite requesting to be transferred to the pack houses.

Workers are usually given a brief induction training related to their specific task upon deployment, such as a simple demonstration of how to operate specific farm equipment or perform a specific piece of work. However, these brief induction trainings and instructions are not regularly administered, and regular safety precautionary refresher trainings are not carried out.

The PPE (personal protective equipment) provided to farm workers is broadly divided into two categories: PPE for sprayers, which includes safety boots, gloves, respiratory masks, and a protective suit of diverse quality and type. The other sets of PPE are for harvesters and packagers and include simple gowns to cover their clothes, and gloves. Yet, torn and worn-out PPE is not always replaced in a timely manner.

Sprayers face different health adversities, such as skin rashes, itching, upset stomachs, eye burns, and other chemically associated health problems. Other employees in harvesting and packaging usually face milder health impacts. Most, though not all, workers have full medical coverage, both at the clinics on the farms for mild cases and, for more serious cases, they can get treatment outside the farm clinics, in both public and private hospitals.



B – Solution

The study has revealed that the performance of floricultural corporations in terms of compliance with the right to a clean and healthy environment and related workers' rights is not uniform. Self-regulation does establish standards and goals, but adherence to them is ultimately based on the corporations' voluntary compliance. Hence, in order to create uniform practices, adequate government regulation and enforcement will continue to be necessary. To this extent, the study recommends that the Ethiopian government align its regulatory framework with the UNGPs, which mandate corporations to conduct human rights due diligence, including environmental rights.



C – Recommendations

- Sectoral government offices, in line with their mandate, should undertake more supervisory work, conduct inspection visits and provide regular training on health, safety, the environment, and workers' rights.
- A more equitable distribution and clarification of monitoring powers among federal, regional, and local government offices, as well as the establishment of vertical and horizontal coordination mechanisms between the various offices, should result in more effective supervision and a more holistic approach to ensuring workers' health and environmental rights are respected.
- Stronger institutions are needed at the federal, regional, and local levels with extended experts and material resources in order to coordinate and supervise activities down to the farm and community level. This will involve building the capacity of such sectoral offices as the Office of Women and Children Affairs, the Health Office, Environmental Protection Office, and the Labour and Social Affairs Offices.
- Collaboration and communication among the Ethiopian Horticulture Producers and Exporters Association (EHPEA), the Ethiopian government, and international actors have the potential to lead to more effective regulation and industry self-governance to improve the protection of the right to a clean and healthy environment.
- Beyond coordination, the EHPEA should play a significant role in undertaking supervisory activities and contributing to farm environmental protection, health, and workplace safety.
- Civil society organisations, particularly environmental (pesticide) activist groups, have to acquire a larger role in shaping pesticide governance and pressuring private actors into action. These actors dominate the pesticide supply chain from pesticide registration, importation and sale to retailers, often all the way to distribution for use by farmers. Viewing it in this light, private actors may be an important gap-filler for some of the most intractable pesticide problems.
- Local non-governmental organisations must be supported and allowed full participation in all aspects of investments planning and permitting, especially policy formulation, analysis, and monitoring and evaluation of impacts. This would, among other things, entail that they are engaged in the human rights due diligence process.
- Develop an integrated standard operational procedure to monitor and audit the overall functions of farms, with a particular focus on health and environmental impacts. The suggested integrated human rights impact assessment could assist in this regard.

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