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Exporting the just transition? The European Investment Bank, the European Green Deal and environmental and social rules for green projects outside the EU

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Abstract

The European Union's European Green Deal (EGD) aims for a just transition to carbon neutrality both within and beyond its borders. This contribution to the special issue on the external dimensions of the EGD focuses on the role of the European Investment Bank (EIB). As a newly declared climate bank and a major funder of 'green' projects, the EIB's role in this vein deserves attention. Do the environmental and social principles the EIB uses to judge funding applications contribute to an environmentally just transition? We explore this question by identifying key issues in impact assessment processes in the literature, brought into focus through an original illustrative case study on the Gibe III hydroelectric dam inaugurated in 2016 in Ethiopia, and linking these to three central aspects of Environmental Justice: recognitional, procedural and redistributive justice. This forms the basis for an analysis of the EIB's environmental and social statements over time, and a reflection on how far current rules address critical issues. While the EIB's rules pay increasing attention to critical issues such as the content of Environmental and Social Impact Assessments (ESIAs), and questions around inclusion, timing, and trust, their contribution to a just transition could be strengthened by sharing responsibility for impact assessments with funding applicants and including rules about their co-design. A bottom-up approach to environmental and social issues could contribute to building shared norms amongst funders and a more universal adoption of ESIAs, and to strengthening networks of grassroots expertise to tackle power asymmetries.

Keywords European Investment Bank · Just transition · Environmental and social impact assessment · Environmental justice · European Green Deal

Abbreviations

ACP	Africa Caribbean and Pacific
ADB	African Development Bank
ARWG	Africa Resources Working Group
CBD	Convention on Biological Diversity
CRBM	Campagna per la Riforma della Banca Mondiale (Campaign for the Reform

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	of the World Bank)
EGD	European Green Deal
E(S)IA	Environmental (and Social) Impact Assessment
EIB	European Investment Bank
EJ	Environmental Justice
ICBC	Industrial and Commercial Bank of China
ILO	International Labour Organisation
JT	Just Transition
MDB	Multilateral Development Banks
NGO	Non-governmental Organisation
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational Scientific and Cultural Organisation

1 Introduction

In late 2019 the European Commission announced its European Green Deal (EGD), a wide-ranging programme for securing a just transition to a carbon-neutral continent by 2050. The EGD includes an external ambition to drive similar change beyond EU borders via 'leading by example'. A key actor here is the European Investment Bank (EIB). In 2020, the EIB declared a change in its role, from 'an EU bank supporting climate' into 'the EU climate bank' (EIB, 2020, p. v). The EIB is thus key to ensuring a just transition (JT) that, in the words of the EGD, leaves no one behind. There is debate about how transformative the EIB's move to become a climate bank is, however. The move is framed as radical in public-facing messaging (Erforth & Keijzer, 2024), but seen as an incremental change in real terms, a 'layering on top of, as well as converting, its existing practices' (Mertens & Thiemann, 2023). The EIB's actions as a climate bank will therefore likely be shaped by its past approaches. At the same time, the EIB has sought to frame itself as a development actor on the global stage, including a new emphasis on Africa, argued to lead to clashes between climate and development aims (Erforth & Keijzer, 2024).

Given all this, we discuss how the EIB could contribute to achieve a JT through Environmental (and Social) Impact Assessment (E(S)IA) processes,[1] the main tool at its disposal for ensuring that projects are coherent with the EGD. The discussion is based on a conceptualisation of just transition in line with the literature on Environmental Justice (EJ). Both concepts speak to the need to ensure that the local negative effects of projects intended to provide global public goods for climate change are contained as far as possible and compensated in mutually agreed ways (Snell, 2018; Stevis & Felli, 2020; Velicu & Barca, 2020). In EJ this is possible only if proper attention is given to three interdependent components: recognitional, procedural, and distributive justice (Wang & Lo, 2021). We thus ask whether current EIB rules on E(S)IAs address EJ questions for a JT. EIAs, originally developed to assess environmental impacts, have over time and in line with developments in international environmental law come to comprise attention to social justice issues. In that sense, we can see attention to the three components of EJ in impact assessment processes.

[1] We use ESIA to refer to integrated processes, EIA and SIA to refer to separate processes, and E(S)IA to encompass all of these.

Literature discussing E(S)IAs underlines a host of criticalities in their application, however. Participation in impact assessment processes is fraught with difficulties given stark power asymmetries between the actors involved, such as state governments and industries on one hand, and local, often marginalized communities including Indigenous Peoples on the other (e.g. Marchegiani et al., 2019; Gustafsson & Schilling-Vacaflor, 2022). International instruments touching on issues of free, prior, and informed consent processes have been developed to address these issues, notably the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the International Labour Organisation's Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (ILO 169), and various guidelines of the Convention on Biological Diversity (CBD).[2] Nevertheless, scholarship on contested projects, including renewable energy projects, points to persistent difficulties. These concern who is responsible for carrying out E(S)IAs and related studies, how far they are trusted, who is consulted, how, and when, about the sharing of benefits and costs, and more fundamental questions about development logics (e.g. Gustafsson & Schilling-Vacaflor, 2022). Questions about how far E(S)IAs can provide recognitional, procedural, and distributive justice for a JT are thus pertinent for the EIB as a climate bank, and to the theme of the external effects of the EGD.

In this article we focus on these questions by analysing how EIB rules for funding address E(S)IA processes through the lens of the three pillars of EJ. We identify criticalities in E(S)IAs through existing literature, but also through the Gibe III dam case study in Ethiopia. The latter was selected as an illustrative case study given the EIB's recent focus on Africa (Erforth & Keijzer, 2024), because it is indicative of many issues in E(S)IAs found in the literature, and because it highlights the difficulties of one body's rules ensuring progress towards a JT where multiple funders are involved. To situate the discussion, in the following section we provide a brief overview of the literature on EJ, JT, and criticalities in E(S)IA processes. We also point to how these processes intertwine with the broader dynamics of Africa-EU relations. We then present our methodology for both the illustrative case study and the analysis of the EIB's environmental and social statements, before describing the illustrative case study on the Gibe III dam. Although the EIB eventually withdrew, this case shows how many of the key problems of E(S)IA processes identified in work from various disciplines unfold. It also points to difficulties linked to the presence of other funders with different aims, and without stringent social and environmental standards. We therefore use insights from this illustrative case study as well as existing literature to shape the coding guide for the subsequent analysis of the EIB's social and environmental statements over time. The analysis underpins reflections about further steps in line with EJ that could contribute to a JT. We find that including rules about the co-design of ESIA processes speaks to recognitional justice, while strengthening support for ESIAs and thus procedural justice can contribute to produce distributive justice. The need to spread shared norms amongst funders is also crucial.

[2] Including the Akwé: Kon Guidelines for the conduct of cultural, environmental and social impact assessment on proposed developments on, or likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.

2 Environmental justice, just transition, and impact assessment procedures

In this section, we briefly outline work on EJ and tie this to JT. We then present some of the main ideas about problems linked to justice in E(S)IA processes, clarifying how an EJ lens guides a critical exploration of the EIB's current rules and the aim of JT. We do this mindful of the history of the EIB as an operational arm of the EU's relations with the ex-colonies of many of its members, many of which are in Africa. EJ scholarship demonstrates the complex ways in which environmental and social justice issues are intertwined within a global capitalist economy that creates unequal experiences of the consequences of environmental degradation along cleavages of geography, age, gender, ethnicity, and class both within single states and across the globe (e.g. Martinez-Alier, 2003). Intersections between struggles for justice and environmental issues are both layered and intertwined, and connected to the logics that underpin national, regional, and global governance institutions including E(S)IAs. Institutions should therefore be transformed with attention to distributional, recognitional, and procedural justice. These are mutually constitutive of EJ (and JT) (Wang & Lo, 2021): recognitional justice involves understanding and engaging with different groups' viewpoints and knowledge, crucial for meaningful participation and thus procedural justice. Recognising other worldviews, traditional knowledge, and understandings of development is also crucial to distributive justice, which in turn must be decided through just procedures. EJ also implies the need for ongoing effort and dialogue, since EJ is not defined as an endpoint but should be continuously built in interaction (Whyte, 2013). JT can be understood as linked to EJ. Originating in the North American workers' movement in the late 1970s (Stevis et al., 2020), JT addresses the social impacts of decarbonisation by ensuring equitable sharing of the transition's costs and benefits (McCauley & Heffron, 2018). National and international trade unions worked to mainstream JT in the international climate change discourse, and the concept was adopted by the ILO and in the 2015 Paris Agreement (Rosemberg, 2020). The meaning of JT has thus expanded beyond the labour movement to speak to EJ more broadly (Wang & Lo, 2021). In essence, JT moves beyond the false choice between saving jobs or the environment (Newell & Mulvaney, 2013, p. 134). It includes job creation strategies, but also responses to the inequalities and injustices linked to environmental policies (Snell, 2018, p. 551; Velicu & Barca, 2020, p. 270). The expanded concept of JT thus speaks to the EJ issues of racism, colonialism, and gender discrimination related to decarbonisation (Stevis et al., 2020, p. 20). For example, Indigenous Peoples' organisations have adopted the concept of JT to address the legacy of colonialism and exploitation of ancestral lands (Indigenous Environmental Network, 2017). Drawing from EJ frameworks, scholars have underlined that JT must include distributional, procedural, and recognitional justice (Newell & Mulvaney, 2013, p. 138).

The language of JT has also been adopted by local, national, and international actors including the EU (Heffron, 2021, p. 140). In December 2019, the European Commission announced the EGD as its flagship growth strategy consistent with the goal of carbon neutrality by 2050 (European Commission, 2019). The EGD Communication (European Commission, 2019) also includes the social goal to ensure a "just and inclusive" transition (p. 2) and acknowledges the need for a global JT (p. 21). To meet its ambitions, the EU adopted a geopolitical approach to harness the potential of the external impacts of the EGD. This Team Europe approach, a synergy among the EU, its member states, agencies, and development

banks, falls within the Global Gateway strategy, launched in 2021 as a geopolitical response to the Chinese Belt and Road Initiative, and seeks to mobilise investments for sustainable infrastructures in Africa, Asia, and Latin America (Heldt, 2023; Hodson & Howarth, 2024). It is in the promotion of JT outside the EU as part of the EU's climate geopolitical ambitions that the EIB is a key actor.

The EIB has a long history as an operational arm of EU external development policies (Bougrea, 2024). In the 2000s, the Cotonou Agreement and the subsequent Economic Partnership Agreements (2005) reshaped commercial relations between the EU and its former colonies in Africa, the Caribbean and the Pacific (ACP) by linking development aid to free trade reforms and emphasising equal partnerships. The EIB played a key role in leveraging capital in the ACP to strengthen their competitiveness in a global free market. Its activities in this regard have been heavily criticised by some civil society organisations (Counter Balance, 2009; Friends of the Earth France, 2007), while scholars have pointed to the regressive outcomes of its investments in terms of social, environmental, and even economic impacts (Langan, 2014). The announcement of the EIB's new role as the EU's climate bank in support of the EGD thus marks a clear change of rhetoric (Erforth & Keijzer, 2024). It promises a 'human rights-based approach' to environmental and social issues in all its operations (European Investment Bank [EIB], 2022, p. 3) and appears to answer the call of JT scholars for a holistic and global approach (Stevis & Felli, 2020). The EIB's extra-EU vision of JT rests on five high-level principles developed with other Multilateral Development Banks (MDB) in line with the Paris Agreement and the Sustainable Development Goals (MDB Group, 2021). These principles detail JT as comprising both outcomes and processes. The latter should be 'inclusive, transparent and accountable' (MDB Group, 2021, p. 3). Although the EIB operationalises JT through the same criteria of vulnerability, intent, and relevance used within the EU when financing projects, MDBs' high-level principles are applied to better adjust to socio-economic contexts outside the EU (EIB, 2023, p. 10).

The geopolitical and climate ambitions of the EIB may however raise competing aims (Erforth & Keijzer, 2024). In addition, the new climate bank frame has been seen as incremental, raising questions about how far its new approach to JT addresses the three pillars of EJ. Critical literature on the work of the EIB in ACP countries (Langan, 2014; Bougrea, 2024; Bracking, 2009), as well as on the history of EU-ACP economic relations and the gap between development discourses and shared value on one hand and continued colonial patterns in trade on the other (Langan, 2014), also point to the need to analyse the structural and organisational constraints around EIB external action. Our analysis of E(S)IA processes through an EJ lens contributes to this.

Recent scholarship on impact assessments and related consent processes reveals the complexity involved in addressing justice, and ongoing shortcomings in recognitional, procedural, and distributive justice. The projects discussed in this light are often extractive, but many examples also refer to renewable energy projects. Marchegiani et al. (2019) discuss opposition to lithium mining by Indigenous communities in northern Argentina, pointing to the difficulties of implementing the aims of ILO 169. They identify issues about the implementation of EIA rules, and faulty approaches to obtain communities' consent. Community members argued that no EIA processes preceded the issuing of exploration permits, and as the mining project progressed, they were sceptical of engaging. They felt that the timing and number of consultations was out of sync with access to information given its complexity, and that the information available about environmental impacts was untrustworthy, as

it was produced by the promoter company. Klein et al. (2023) also point to procedural and recognitional justice failings by extractive companies to engage in good faith participation over the lifetime of projects. Instead, companies tended to produce single assessments and sign limited agreements with communities. Gamu and Soendergaard (2023) underline how insincere engagement with consent processes, enabled by processes captured by pro-market interests, is central in cases where communities adopt contentious political strategies, placing environmental defenders at great risk. In addition, engaging with assessment and consent processes may affect communities' cohesion if these processes obstruct collective action for EJ (Paredes, 2023). Parks (2020) finds that distributive justice decisions on benefit-sharing agreements rely on recognitional and procedural justice, without which agreements are meaningless for communities engaging in E(S)IA and other negotiations around the management of natural resources (Parks, 2020).

Attention to procedural, recognitional, and distributive justice in E(S)IAs is thus intimately linked to EJ outcomes: empirical research points to the need for lengthy and good faith engagement amongst different actors, and for spaces for open and impactful exchanges including challenges to the fundamental logics of projects and their visions of development. Gustafsson and Schilling-Vacaflor (2022) review work on participatory processes including those in EIAs. They conclude not only that these spaces are limited, but that they 'have (re) produced environmental injustices' (Gustafsson & Schilling-Vacaflor, 2022, p. 17). This is attributed to the fact that processes are designed without the inclusion of those people they aim to include, that when international rules are domesticated, they exclude Indigenous Peoples and constrain the scope of decision-making, and that there is a lack of linkages amongst those involved in participation processes that would allow more coordination and learning (Gustafsson & Schilling-Vacaflor, 2022). Similar points were raised by communities opposing plans for lithium mining in Argentina, who developed a community protocol outlining their own rules for consultation processes (Marchegiani et al., 2019). Indigenous scholarship has also pointed to the need for the co-design of participatory spaces (Whyte, 2013). In this view, rules about procedures alone are not sufficient to produce an environmentally just transition. Participation must allow for work to bridge different worldviews including ideas of development (van Norren, 2020) - it must address not only procedural justice but crucially also recognitional and distributive justice as interdependent.

3 Methods

In this section we outline our method for exploring the EIB's current approach to E(S)IAs and how far they address EJ issues. We take a twofold approach, using an illustrative case study to narrate the complex ways that issues around E(S)IAs and JT unfold in a real-life setting. The case study, supported by findings from the literature, provides the basis for a content analysis of the EIB's environmental and social statements and standards over time.

The case study draws on archival research at the Ministry of Water and Energy of the Federal Government of Ethiopia in Addis Ababa and interviews with key stakeholders involved in supporting and implementing the Gibe III dam project as well as in campaigning against it. Interviewees included Ethiopian government representatives, independent scientists and experts, and international NGO members involved in campaigns against the construction of the Gibe III dam. Interviews were also held with Ethiopian scientists at the

Table 1 Coding scheme

Issue area	Coding themes for text analysis
Content and scope	References to EIAs and their scope References to SIAs References to ESIAs References to what these assessments should cover References to international sources of best practices Monitoring practices
Inclusion	References to which groups should participate in processes Descriptions of inclusivity References to co-design or role for participants in choosing timings, formats, frequency etc. of processes. Discussions of information: formats, accessibility, availability, etc.
Timing	Timing: assessment before project commencement Timeliness of information and procedure
Trust	Independence of ESIAs Responsibility for carrying out ESIAs Funding of ESIAs Support for ESIAs
Degree of universality	Information on advocacy for a global approach

Addis Ababa University to better grasp local understandings of environmental protection, its relation with development, and the tools employed to balance the two. The in-depth description of the Gibe III case study generates a detailed set of issues, supplemented by the literature, that guided the development of a coding scheme for a content analysis of the EIB documents, summarised in Table 1. The analysis covers EIB documents summarising its environmental and social policy in all their editions from the first environmental statement of 1996 to the latest policy of 2022. We also included the accompanying environmental and social standards for the 2022 policy to deepen our understanding of currently applicable rules.[3] Each of these documents is accompanied by detailed and lengthy guides for those applying for funds, but the main lines of reasoning around E(S)IAs are contained in the overview statements. We consider how rules evolve over time because recent scholarship highlights continuity over radical change in the EIB where its rules are concerned (Mertens & Thiemann, 2023). The documents were coded using the scheme laid out in Table 1, using Atlas.ti. These issues and the resulting codes speak to the three interdependent EJ issues and the possibility of a JT as we describe in detail in the analysis.

[3] The documents analysed are: 1996 EIB Environmental Statement; 2002 EIB Environmental Statement (revised); 2004 EIB Environmental Statement (revised); 2008 EIB Statement of Environmental and Social Principles & Standards; 2009 EIB Statement of Environmental and Social Principles and Standards; 2022 EIB Group Environmental and Social Policy; 2022 EIB Environmental and Social Standards.

4 Illustrative case: the Gibe III dam

In this section we explore a case that involved the EIB to illustrate the complex and intertwined EJ issues identified in the literature in context and introduce another: the importance of similar E(S)IA rules amongst funders. Added to this, investments in renewable energy have long been key to the EIB's mandate, and in recent years it has emphasised support for African infrastructure (Erforth & Keijzer, 2024). Hydropower dams like the Gibe III are also likely to be preferred projects under the EGD. They provide large-scale renewable energy sources that help mitigate climate change and its impacts by regulating floods and providing water reserves (Boulange et al., 2021), and in Africa (and elsewhere) hydropower dams have been seen as key to promoting rapid economic growth. Nevertheless, they also bring detrimental social and environmental impacts (McCully, 2001; Scudder, 2005).

This general story has also played out in Ethiopia. Over the past 30 years, the Ethiopian government has been considered as one of the most active green states in Africa (Death, 2016). The energy sector, and hydropower in particular, was identified as the backbone of the Ethiopian development strategy (Federal Democratic Republic of Ethiopia, 2010) with an estimated hydropower potential of 45,000 MW.[4] In its Climate-Resilient Green Economy Strategy (Federal Democratic Republic of Ethiopia, 2011), the Ethiopian government presents hydropower as an effective tool for the sustainable management of natural resources to cope with climate change, and as the most effective strategy to boost Ethiopian manufacturing, contribute to the eradication of poverty, and provide clean energy for export to regional neighbours (Fantini & Puddu, 2016; Hailu Woldegebrael, 2018). Since it is key for economic development, Ethiopian governments have increasingly securitized hydropower production (Gebresenbet, 2014). Critical voices opposing mega-dams are dismissed as either ill-informed or anti-development (Interview with Ethiopian environmental consultant; Kibret, n.d.).

The Gibe III dam was Ethiopia's first mega-dam. The project was fast-tracked and awarded to the Italian company Salini Costruttori (later renamed WeBuild). Salini had been active in the country since 1960 and had built two other dams in the broader Gilgel Gibe project. The company is known to have a strong relationship with successive Ethiopian governments and played a pivotal role in the design of the cascade of 5 dams in the Omo river basin (Interview with international consultant). Potential funders including the World Bank (WB) and the Italian government had declined to contribute to the project due to the lack of transparency in the bidding process, yet construction work began in 2006 regardless, and before any EIA. An EIA was completed later that year but only released in 2008 when construction was 30% complete. This EIA contained no social impact assessment and failed to cover the downstream area of the Omo river. The Ethiopian Government nevertheless applied for loans to supplement internal funding from both the African Development Bank (ADB) and the EIB in 2008. Though neither ruled out funding, both raised concerns about the lack of environmental documentation. Pressure was also coming from concerned NGOs: Salini thus commissioned two ESIAs in 2009 to cover the social and downstream impacts of the dam. In the same period, a group named the Africa Resources Working Group (ARWG) consisting of 8 scholars and consultants (who remain for the most part anonymous due to political sensitivities) published two heavily critical technical reports on the 2006

[4] Current hydro energy production in the country is 4,825 MW (see e.g. International Hydropower Association: https://www.hydropower.org/region-profiles/africa).

EIA and the 2009 ESIA. These reports detailed substantial concerns about the social and environmental impact of the project, and emphasised dangers of a catastrophic impact on Lake Turkana, one of the largest desert lakes in the world, fed by the waters of the Omo River (ARWG, 2008, 2009).

Concerns about the dam's impact were also voiced by the Kenyan NGO Friends of Lake Turkana (2009) and attracted the attention of international NGOs, some of which were already involved in assessing EIB activities overseas. The dam quickly became the object of two international advocacy campaigns led by EU and US-based NGOs, Counter Balance (a campaign scrutinising EIB infrastructure investments in low-income countries) and Stop Gibe III. Both called for a halt to construction to allow more in-depth impact assessments, including participatory processes to involve the local Indigenous population. Their criticism drew on ARWG reports and underlined three points. First, they criticised the procedures around the project including the fast-track approach, lack of bidding process, lack of transparency in the relations between the Ethiopian Government and Salini, the timing of the first EIA, and the failure to engage with institutions such as the country's Environment Protection Authority. Second, they raised social concerns related to the disruption of livelihoods and threats to the physical and cultural survival of the lower Omo Indigenous Peoples. The NGO coalitions repeatedly accused the Government of Ethiopia and its contractors of human rights violations and abuses against this population, and international donors of complicity (Hurd, 2013). Third, they raised environmental concerns related to the lack of independence of the EIA and ESIA, attributing their partial scope to their bias, and suggested that the mitigation measures in the studies were unfeasible. The NGO campaigns alerted the UNESCO World Heritage Commission to the perceived risks to Lake Turkana, which was placed on the list of world heritage sites at risk in 2011 as a result.

The campaigns also affected the remaining potential donors to the project - the ADB and the EIB. The EIB was repeatedly contacted by the Italian NGO Campagna per la Riforma della Banca Mondiale (CRBM Campaign for the Reform of the World Bank), a representative of the Counter Balance campaign, during this period. As the EIB only partially responded to the group's requests, it filed a complaint via the EIB Complaints Mechanism in 2010, triggering an investigation on the lack of transparency in the Bank's decision-making on Gibe III (Amicucci, 2010). In 2009 the ADB also received a Request for Compliance Review and Mediation from a group of international NGOs involved in the Stop Gibe III campaign (Independence Review Mechanism, 2009). Probably because of international campaigns the EIB and ADB commissioned a series of joint Economic, Financial and Technical Assessments and an independent assessment of environmental aspects considered to be questionable in the existing EIAs at this time.

In May 2010 the Industrial and Commercial Bank of China (ICBC) stepped into the fold, offering a US$460 million loan to fund a contract with the Chinese company Dongfang Electric Corporation to provide turbines and electro-mechanical parts that were not covered in the deal with Salini. This offer had no environmental or social conditions attached. Despite claims from NGOs and others that the EIB and ADB withdrew from the project over the questions raised about E(S)IAs, it appears that the government of Ethiopia simply withdrew its loan requests having found an easier, faster, and less onerous alternative (Compliance and Review Monitoring Unit, 2009). Gibe III was completed in 2015 and inaugurated in 2016. There is evidence of human rights violations against local Indigenous Peoples, who were never involved in any serious way in consultations, and who lost their livelihoods and

were forcibly resettled with inadequate compensation (Oakland Institute, 2023). No major environmental catastrophe has materialised in the lower Omo valley, though the implementation of major irrigation schemes has been slow, and full impacts remain to be seen.

This case illustrates core issues identified in the literature around EJ issues in E(S)IAs. Initial failures concerning the timing and scope of the EIA contributed to undermine the credibility of consultants selected by actors with vested interests in the project. Those most affected by the dam (local Indigenous Peoples) were excluded from decision-making and little is now known about their situation. International NGOs, who are often expected to take on roles in monitoring, enforcing transparency, and ensuring that regulations are respected, were unable to stop the project or remedy the social and environmental concerns related to it. The power asymmetries between those affected by the project, those campaigning against it, and those with vested interests in its completion were such that the arrival of the 'no strings attached' funder late in the controversy could not be effectively challenged. The fact that the EIB did not fund the project due to the materialisation of an easier funding opportunity for the commissioning government raises an important question about the burdens associated with E(S)IA processes that are timely, inclusive, participatory, and independent. Where funders have differing rules and burdens are carried by project promoters alone, opting for funds with fewer conditions seems the most attractive option. Nevertheless, regulations to safeguard the environment and vulnerable groups remain necessary, especially in more closed political spaces. At the same time, those safeguards need to work. In the case of Gibe III, an Ethiopian consultant described the construction of the dam and its socio-environmental impact as: "Operation successful but the patient is dead" (Interview with Ethiopian environmental consultant). He pointed out that the presence of donors with green conditionalities can at least ensure some degree of environmental monitoring – in the Gibe III case little is now known of these. Finding a balance between "green" conditionalities and the development needs of host governments is no easy task.

5 The EIB and environmental and social conditions over time

In this section we present the results of our analysis of the EIB's environmental and social principles through an EJ lens, guided by the scheme detailed in Table 1 which draws on both the literature and the illustrative case of the Gibe III dam. Without sufficient attention to these aspects, we reason, it is unlikely that the EIB, whose mandate is tied to the EGD, can contribute to JT objectives. The EIB generally assumes compliance with EU rules and aims for projects within its borders. For external projects the EIB follows its own impact assessment procedure to evaluate E(S)IAs and other information from funding applicants, guided by its environmental and social principles. These have been revised several times since the first Environmental Policy statement of 1996. In the analysis we briefly trace the history of EIB rules following the coding themes in Table 1, since EIB rules are layered, and understandings of their path dependency may emerge.

The first broad theme concerns the scope and content of E(S)IAs and whether they focus on environmental impacts, social impacts, or both. The interdependent nature of environmental and social justice issues is at the basis of EJ approaches, and this is also a clear theme in the Gibe III case. The EIB's rules only speak about EIAs until 2004, when social issues begin to appear. This is in line with the origins of the instrument, ideated to deal with envi-

ronmental impacts and expanded later. More pertinently, EIB rules begin by consistently pointing to the need to be more lenient in approaches to environmental impacts beyond the EU's borders (e.g. EIB, 1996). This is due to the Bank's interventions in Central and Eastern Europe after the end of the Cold War. This position changes by 2002 but sets a precedent about rules in and outside the EU being different to some extent. In 2004 the Bank's role further afield appears more prominently, and social issues are mentioned specifically in relation to developing countries (EIB, 2004, p. 2). This is further reflected in 2008, when the Environmental *and Social* Principles and Standards appear for the first time. This revision underlines applicability across the world (EIB, 2008, p. 7). In 2009 the revised document emphasises the Millennium Development Goals and an integrated approach to environmental and social issues with 'particular attention to the rights of disadvantaged groups' (EIB, 2009, p. 6). More than 10 years later, the 2022 document espouses the EGD and 'a transition that is just and inclusive for all' (EIB, 2022a, p. 1), and an integrated environmental and social impact assessment approach becomes the norm. The shift from EIAs to ESIAs has therefore taken some time to achieve.

Overall, EIAs and the Bank's own environmental assessments are prominent from the earliest documents, and detail is provided on their content. For example, increasing attention is dedicated to impacts on biodiversity and ecosystems over time, and the EU's EIA Directive (and its amendments), which foresees the inclusion of a broad range of aspects, is referenced as the benchmark for all EIAs. Social issues come into focus later and have correspondingly fewer details. From 2004 onwards documents do refer to the need for assessment processes in general to be in line with best practices detailed by other organisations. No exhaustive lists are included in the policy documents, but one named example is the World Commission on Dams which published extensive guidelines on planning and building in 2000. Though not always directly linked to SIAs or ESIAs, social impacts on local cultural sites and cultures are also covered in more detail over time. In the current standards, attention to the scope of impact assessments is described in Standard 1, which points to an 'integrated approach to impact assessment' that covers environment, climate, social and human rights (EIB, 2022b). However, this general overview does suggest that it may take more time to properly address interrelated environmental and social justice issues given the incremental layering of new rules: while more time has led to greater detail on environmental impacts, less time has resulted in fewer guidelines around social impacts and the interconnections between the two.

Some remedies may be found in attention to inclusion, timing, and trust. These are core themes that emerge in both the Gibe III case, where their absence is at the root of contestation, and in the existing literature, which highlights how all three are closely linked to recognitional justice. The inclusion of affected groups, particularly more marginalised groups, relies on recognition, including procedural justice issues about providing information in good time, arranging meetings at suitable times, allowing time for groups to deliberate and form positions, and so on. For some groups this also involves issues of epistemic justice, which links the recognition of different epistemologies to spaces for different bodies of knowledge in procedural justice (Rodríguez & Liz Inturias, 2018). If groups are recognised, trust may be built alongside procedural and distributive justice through the reflection of multiple perspectives. Attention to these issues may then compensate for a lack of content about social impacts by ensuring the meaningful inputs of different groups to decisions.

The EIB documents address the inclusion of different groups from the 2008 revision. Inclusion is often framed in general terms, referring to stakeholders or to all affected actors, and linked to the idea of meaningful inclusion. There are some specific mentions of groups that receive particular attention in the literature and the Gibe III case: Indigenous Peoples, on occasion identified alongside other vulnerable groups and minorities, and local communities. Content referring to Indigenous Peoples in 2008 comes under the heading of social standards and refers to their 'customary rights to lands and resources' and the protection of cultural heritage. Where rights are 'significantly affected' promoters must prepare an 'acceptable Indigenous Peoples Development Plan based on free, prior and informed consultation' (EIB, 2008, p. 19). In 2009, Indigenous Peoples' rights are discussed alongside those of other vulnerable groups, which are deserving of 'special attention' from project promoters since they are 'especially sensitive to changes in the socio-economic context and are dependent on access to essential services and participation in decision-making' (EIB, 2009, p. 18). In the current policy, the EIB dedicates a specific standard to 'Vulnerable groups, Indigenous Peoples and Gender'. These standards are set out in a separate document to the policy (EIB, 2022b), and reprise links between the rights of these groups with access to mitigation and compensation measures, their effective participation in consent processes, their cultures, and benefit-sharing. The EIB's documents thus echo the concerns in the case and the literature to address marginalised groups with attention to justice issues understood as interlinked. However, as discussed in more detail below, all responsibility for attention to these complex issues rests with project promoters.

Inclusion also comprises the theme of access to information: a crucial precursor for procedural justice. Access to information is not referenced in detail, and passing mentions refer mainly to availability only. The Bank's commitment to share information about its work is clear, yet the central role of information for inclusion in impact assessment processes is less so. Issues about the timeliness of access, information in culturally appropriate formats, and information held in accessible places is only discussed in 2022 under Standard 2 on Stakeholder Engagement (EIB, 2022b). Here the idea of meaningful participation is related to information in that it should include 'timely access to information that is culturally appropriate' (EIB, 2022b). The standard thus refers to crucial issues, but attention is only recent, and the Bank's rules are layered over time. In addition, it is project promoters that remain responsible for this.

The theme of timing in E(S)IAs is also linked to how impact assessments unfold more generally beyond questions of access to information. A basic point about timing arises from the Gibe III case and concerns the completion of assessments prior to a project's start. Here, the Bank has no such clear rule: impact assessments should only be completed before any funding is disbursed (this is included from the 2004 document on). The 2008 document does point to the need for project promoters to 'demonstrate that appropriate action to protect the environment has been taken at an early stage', linking this to conflict resolution (EIB, 2008, p. 14), but a specific rule is lacking. Beyond this, there is little content about the importance of timing for justice issues until the 2022 revision, when Standard 2 on Stakeholder Engagement states that impact assessments should provide for 'continuous engagement' and 'continuous learning involvement' (EIB, 2022b), pointing in the direction of issues raised about timing and justice.

Concerning trust in impact assessments, a central problem emerges from EIB rules. While the newest 2022 Standards begin to address trust-related issues by linking meaning-

ful participation to the aim of 'mutual trust' linked in turn to 'organisational accountability' (EIB, 2022b), EIB rules attribute all responsibility for complex and interlinked ESIA processes to project promoters. There are mentions of technical and occasionally financial support, and the possibility for the Bank to conduct its own investigations, if necessary, but responsibility is placed firmly at the door of project promoters. As shown in the illustrative case and the literature, however, it is precisely promoters that are often mistrusted by marginalised groups, NGOs, and even experts, raising questions about promoters' will to address justice issues. Second, promoters may lack the capacity to carry out independent and inclusive ESIAs, which are lengthy, complex and potentially contentious processes. Leaving responsibility for E(S)IAs to project promoters has thus been linked to insufficient attention to meaningful participation and unfair, rushed consent processes in the literature (Muñoz-Torres and Fernández-Izquierdo 2023). This suggests that for the EIB to promote a JT it should move towards shared responsibility or at least provide capacity-building and lay down clear conditions about independently led ESIAs.

A solution in this direction following existing literature would be a rule for co-designed ESIAs. Co-design could allow space for the construction of meaningful inclusion, attention to timing, and the construction of trust. It would allow attention, in other words, to recognitional, procedural, and distributive justice. The EIB could support co-design through capacity-building and shared responsibility not only with project promoters but with a range of actors that have already reflected in depth on these issues, including representatives of Indigenous Peoples and civil society groups. In turn, this would contribute to reinforce independent networks of expertise on ESIAs, mitigating the risk of dissipating expertise through a project-based approach (Mertens & Thiemann, 2023).

For this scenario all major funders must share the approach: it should be universal. The Gibe III case makes this clear: where unconditional funding is available, actors with vested interests will take it rather than continue to grapple with complex ESIA processes. The EIB underlines that it is active in pushing for harmonised principles in various international forums (EIB, 2020). An addition to this work would be a rule about carrying out (ideally co-designed) ESIA processes prior to a project beginning. This could help in cases such as Gibe III, where funding is sought only after a project begins, by encouraging promoters to consider their eligibility for funds prior to applying. This could however be perceived as unilateral or even neocolonial action and finding harmonised approaches with other funders appears a better approach.

In sum, over time the EIB has dedicated increasing attention to the issues we addressed in our analysis, yet there is evidence that it takes time to develop rules, and attention to social issues intimately linked to recognitional, procedural, and distributive justice has only appeared recently. The EIB's 2022 standards expand on meaningful inclusion in promising ways, but responsibility remains with project promoters. A potential solution is the co-design of ESIAs. This could help to address central justice questions by allowing ESIAs to be built by affected actors, and thus to include attention to justice issues about their proper recognition, attention to procedures, and attention to the distribution of costs and benefits. In addition, commitments to co-constructed ESIAs would need to be shared across funders.

6 Conclusions

In this article we contribute to the debate about the external effects of the EU's Green Deal by asking how far the EIB's rules on environmental and social standards contribute to a just transition. We define JT via the literature on environmental justice and its three central aspects of recognitional, procedural, and distributive justice, pointing out how these are also central to a JT. We then explore literature on environmental and social impact assessments, which are key tools for the EIB to contribute to a JT. A series of problems in the real-life application of these processes are discussed, which we illustrate with an original case study on the Gibe III dam in Ethiopia. On that basis, we then develop a coding guide to analyse the EIB's rules over time. We consider how far they address issues linked to EJ and the JT, reasoning that since the EIB's rules are layered their evolution is important for a full understanding.

Overall, the EIB's rules pay increasing attention to the issues we identified. Some problems about content, inclusion, timing, trust, and the universality of rules do persist, however. Key to these is the incremental nature of EIB rules: attention to environmental impacts has developed over many years since the first statement in 1996, but attention to social issues central to questions of justice come much later in 2004, and integrated approaches (environmental and social impact assessments) only become the norm in 2022. Another key issue is that responsibility remains with project promoters - this is linked in the illustrative case and in the literature to a host of problems of trust, with knock-on effects for justice issues. Project promoters may have strong reasons to avoid complex and lengthy ESIAs and may not have the capacity to run them even if they have the will. A clear solution to this from the literature is to share responsibility between project promoters and a range of other affected actors via co-designed processes. This could be encouraged by the EIB through rules and support for capacity building. By building bottom-up processes for impact assessment the EIB would respond to calls in the existing literature (e.g. Gustafsson & Schilling-Vacaflor, 2022) and contribute to strengthening networks of expertise around ESIAs for a JT. Those networks could contribute to justice beyond a single project approach and potentially contribute to form new norms among major funders to tackle the power asymmetries between funders, project promoters, and affected people. Indeed, building shared norms about attention to environmental and social impacts amongst all funders is a crucial element to avoid defection to 'no strings attached' financing.

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Declarations

Conflict of interest The authors declare no conflict of interest.

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