



REPUBLIC OF NAMIBIA

NAMIBIA'S
ENVIRONMENTAL ASSESSMENT POLICY

FOR SUSTAINABLE DEVELOPMENT
AND ENVIRONMENTAL CONSERVATION

**NAMIBIA'S ENVIRONMENTAL
ASSESSMENT POLICY**

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In Conclusion with:

National Planning Commission
Ministry of Mines and Energy
Ministry of Agriculture, Water and Rural Development
Ministry of Fisheries and Marine Resources
Ministry of Lands, Resettlement and Rehabilitation
Ministry of Education and Culture
Ministry of Trade and Industry
Ministry of Defence
Ministry of Local Government and Housing

Norwegian Agency for International Development
Swedish International Development Agency
University of Cape Town
Technikon Namibia
Chamber of Mines
Engineering Profession Association
Legal Assistance Centre
Wildlife Society of Namibia
Namibia Nature Foundation
Desert Ecological Research Unit of Namibia
Walmsley Environmental Consultants
Loxton Venn and Associates
Environmental Evaluation Associates of Namibia
TRP Associates
Interconsult Namibia
H₂O Consultancy
EPI Consulting
Norsk Hydro

PREAMBLE

THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA RECOGNIZES THAT :

1. “The State shall actively promote and maintain the welfare of the people by adopting policies aimed at ...

The maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future...” [Constitution of the Republic of Namibia - Art 95 (1)].
2. There is an urgent and fundamental need for economic development, foreign investment and the alleviation of poverty [Namibia’s Green Plan - chapter 11 (j)].
3. Namibia has inherited a colonial legacy of institutionalised segregation which has led to economic disenfranchisement and contributed to general environmental degradation and habitat destruction in certain areas [Namibia’s Green Plan - chapter 11 (j)].
4. Namibia is dependent on natural resources and certain biophysical components are vulnerable to environmental degradation. It is specifically acknowledged that Namibia is an arid country and that the scarcity of water and the country’s limited human and animal carrying capacity need to be taken into account prior to policy formulation and during all stages of planning.
5. Environmental Assessments are a key tool, amongst others, to further the implementation of a sound environmental policy which strives to achieve Integrated Environmental Management (IEM).



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NAMIBIA'S ENVIRONMENTAL ASSESSMENT POLICY

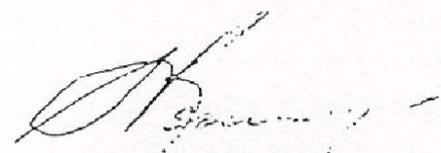
Like its well known Constitution, Namibia's Environmental Assessment policy has been acclaimed both within the country and internationally. It was approved in August 1994 by Cabinet Resolution 16.8.94/002.

The Environmental Assessment (EA) policy was developed and refined through a lengthy process of cross sectoral and multi-disciplinary consultation and negotiation. The final product reflects a broad consensus on the need for EAs in Namibia, and general agreement has been reached on how these should be conducted. .

Recent EA's in Namibia have concentrated on individual projects. However, the EA policy also stresses the need for the assessment of programmes and policies. This policy aims to promote sustainable development and economic growth while protecting the environment in the long, term. without clean air, water and soil, and without a full and healthy stock of natural resources, there will be little prospect for future generations of Namibians. Therefore, Sector Ministries, the Private.Sector, NGOs, and prospective investors and donors are urged to comply with this policy for all future development projects, programmes and policies.

The next phase in this process is to decide on the institutional structures and procedures needed for its effective implementation, and the establishment of appropriate legislation.

The Ministry of Environment and Tourism intends initiating discussions on these issues within the next few months, and will be involving as many Interested and Affected Parties as possible in this process.


Mr.Niko Bessinger
Minister



All official correspondence must be addressed to the Permanent Secretary

THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA

further **DECLARES** the following as relevant to its

ENVIRONMENTAL ASSESSMENT POLICY:

1. The principle of achieving and maintaining sustainable development must underpin all policies, programmes and projects undertaken within Namibia. In particular, the wise utilisation of the country's natural resources, together with the responsible management of the biophysical environment, must be for the benefit of both present and future generations.
2. Namibia shall place a high priority on:
 - (i) maintaining ecosystems and related ecological processes, in particular those important for water supply, food production, health, tourism and sustainable development;
 - (ii) observing the principle of optimum sustainable yield in the exploitation of living natural resources and ecosystems, and the wise utilisation of non-renewable resources;
 - (iii) maintaining representative examples of natural habitats;
 - (iv) maintaining maximum biological diversity by ensuring the survival and promoting the conservation in their natural habitat of all species of fauna and flora, in particular those which are endemic, threatened, endangered, and of high economic, cultural, educational, scientific and conservation interest.
3. Namibia shall pursue an active administrative and legislative programme to achieve Integrated Environmental Management through, *inter alia*, the execution of ENVIRONMENTAL ASSESSMENTS in accordance with the ENVIRONMENTAL ASSESSMENT policy which follows:

NAMIBIA'S ENVIRONMENTAL ASSESSMENT POLICY

The Government of Namibia:

RECOGNIZING that Environmental Assessments (EA's) seek to ensure that the environmental consequences of development projects and policies are considered, understood and incorporated into the planning process, and that the term ENVIRONMENT (in the context of IEM and EA's) is broadly interpreted to include biophysical, social, economic, cultural, historical and political components;

DECLARES the following ENVIRONMENTAL ASSESSMENT policy for Namibia:

1. All listed policies, programmes and projects, whether initiated by the government or the private sector, should be subjected to the established EA procedure as set out in Appendix A. A list of policies, programmes and projects requiring an EA is set out in Appendix B.

2. The EA procedure will, as far as is practicable, set out to:

- | | |
|--------|---|
| (i) | better inform decision makers and promote accountability for decisions taken, |
| (ii) | consider broad range of options and alternatives when addressing specific policies, programmes and projects, |
| (iii) | strive for a high degree of public participation and involvement by all sectors of the Namibian community in the EA process, |
| (iv) | take into account the environmental costs and benefits of proposed policies, programmes and projects, |
| (v) | incorporate internationally accepted norms and standards where appropriate to Namibia, |
| (vi) | take into account the secondary and cumulative environmental impacts of policies, programmes and projects, |
| (vii) | ensure that the EA procedure is paid for by the proponent. In certain cases, such as programmes initiated by the State, it is recognised that the Government is the proponent and will meet the costs of an independent EA, |
| (viii) | promote sustainable development in Namibia, and especially ensure that a reasonable attempt is made to minimise anticipated negative impacts and maximise the benefits of all developments, |
| (ix) | be flexible and dynamic, thereby adapting as new issues, information and techniques become available. |

3. This policy recognises the inherent need to incorporate adequate provisions to achieve "reduction-at-source" in the areas of pollution control and waste management.

4. The costs of EAs shall be borne by the proponent who is also responsible for ensuring that the quality of the EA and the EA Report are of an acceptable standard.

5. The proponent (both Government and Private Enterprise) shall enter into a binding agreement based on the procedures and recommendations contained in the EA report. This will help ensure that the mitigatory and other measures recommended in the EA, and accepted by all parties, are complied with. This agreement should address the construction, operational and decommissioning phases as applicable, as well as monitoring and auditing.

6. In terms of the ENVIRONMENTAL ASSESSMENT ACT, an Environmental Commissioner shall be appointed by the Ministry of Environment and Tourism, and housed in the office of the National Planning Commission.

6.1 The Environmental Commissioner shall be responsible for administering the EA process as described in Appendix A. This will include registration, establishing the procedural framework for the process in consultation with the proponent, screening, evaluation and review procedures as appropriate. -

6.2 The Environmental Commissioner shall report to an Environmental Board which shall be constituted in terms of the Environmental Assessment Act, and shall consist of senior representatives from various Ministries and other organisations as appropriate. The Board shall be vested with powers to co-opt individuals and specialists where required. In addition to initial screening, the Board shall be responsible for reviews so as to ensure that EA's are of a consistently high standard.

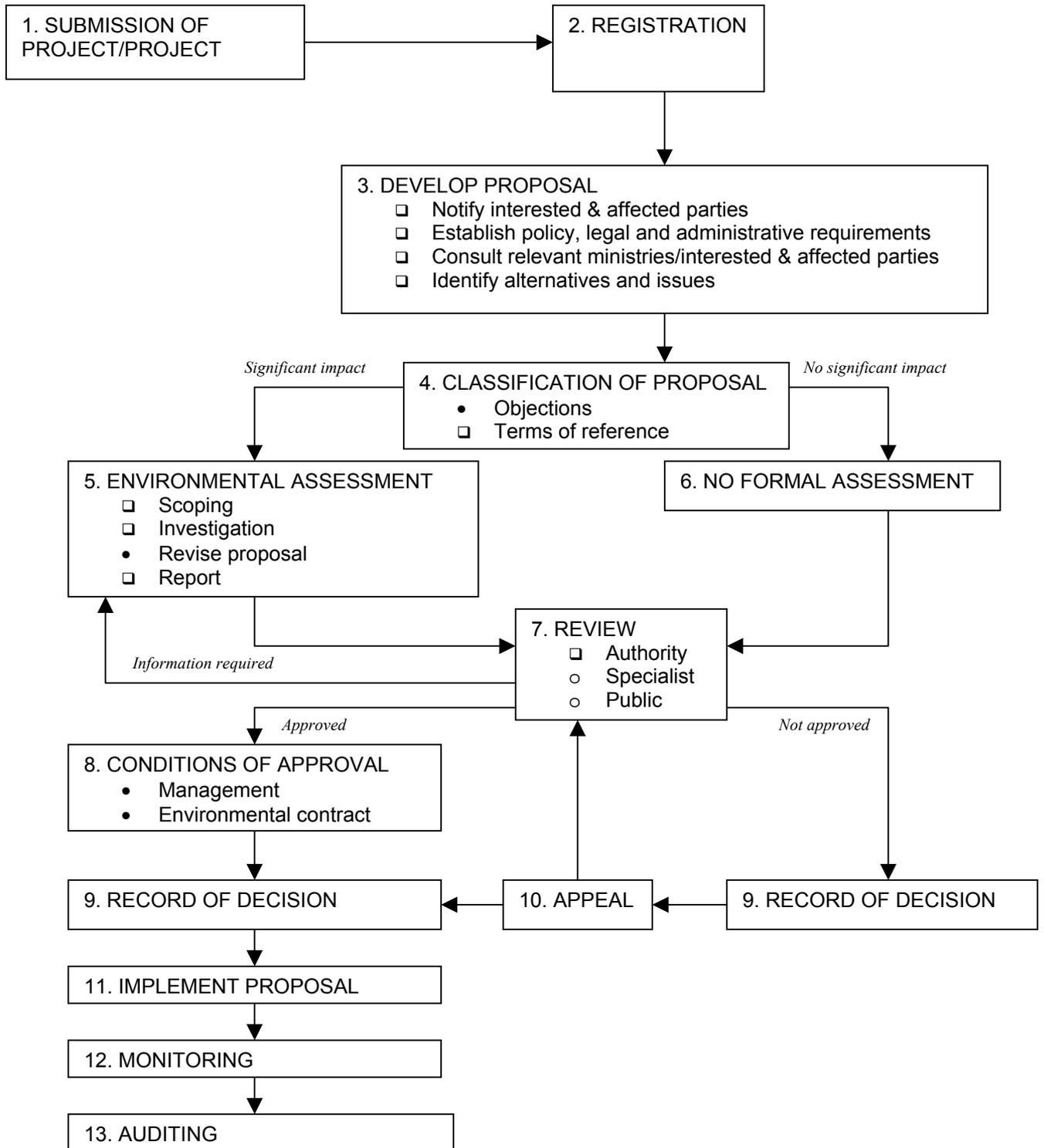
7. Decisions taken by the Commissioner and/or the Board shall be subjected to appeals according to the normal legal principles and appeal procedures in Namibia.

8. A record of all decisions by the Board shall be kept. Such records, as well as EA reports, shall be registered, accessible and available for public enquiry. The proponent will however, have the right to request confidentiality on specific information as appropriate.

9. The EA procedure will, at the cost of the proponent, include the ongoing monitoring of policies, programmes and projects after they have been implemented, to ensure that they conform with the recommendations in the EA report as well as the agreement between the proponent and the Environmental Board.

APPENDIX A

ENVIRONMENTAL ASSESSMENT PROCEDURE



- Recommended steps
- o Possible steps
- Required steps

APPENDIX A CONTINUED ...

ENVIRONMENTAL ASSESSMENT PROCEDURE

1. SUBMISSION OF POLICY, PROGRAMME OR PROJECT

This is the start of the process, when the proponent (be it government or private enterprise), submits a proposal to the Environmental Commissioner, located in the National Planning Commission.

2. REGISTRATION

The Environmental Commissioner officially registers the policy, programme or project proposal, and ensures that the proponent fully understands the EA procedure which needs to be followed. The Commissioner supplies the proponent with the necessary documentation, general guidance, contacts, and any other support which will facilitate a smooth EA process.

3. DEVELOP PROPOSAL

Because Environmental Assessments are designed to, *inter alia*, (a) facilitate integrated and improved planning during all stages and (b) ensure that the decision making process is informed and streamlined, the following steps are required at the earliest stage:

- notify neighbours and other interested and affected parties,
- establish policy, legal and administrative requirements and procedural framework,
- establish the need for the development, and evaluate this against local, national and international needs on various time scale-s,
- notify and consult with interested and affected ministries,
- identify and consider alternatives,
- identify and consider issues, opportunities and constraints of alternatives,
- consider mitigatory options,
- consider management plan options,
- consider fatal flaw & risk analyses, and worst case scenarios, ~ consider secondary and cumulative effects within the region.

The above activities are the responsibility of the proponent, but are planned jointly by the proponent, the Commissioner and the Board, who engage in a consultative process at this early stage. Through these initial discussions, alternatives, affected parties, potential impacts and benefits, issues, mitigatory and optimisation possibilities, etc., can be identified. Furthermore, a specific framework which clearly spells out roles, responsibilities and procedures should be established.

4. CLASSIFICATION OF PROPOSAL

In consultation with the proponent and his/her consultants, the Board decides on whether this policy; programme or project requires an EA or not. The list of Activities in *APPENDIX B* should be used to guide this decision. If it is felt that the policy, programme or project is not likely to result in significant impacts and/or that sufficient plans to maximize benefits have already been included, there will be no need for a formal assessment. Alternatively, the Commissioner and/or Board may decide that an EA is required, and they will then discuss the Terms of Reference for the study with the proponent. During this stage, provision is made for individuals and organisations to voice their objections or reservations to the proposal.

For large projects, a pre-feasibility study is usually undertaken. Based on the findings of this, a more detailed feasibility study may be conducted. The Terms of Reference for the detailed feasibility study should be established during the pre-feasibility study.

5. ENVIRONMENTAL ASSESSMENT

It should become clear during the registration or classification of proposal stages whether there will be significant impacts and if an EA is necessary or not. There are three main components to all EA.

(i) Scoping

This determines the extent of and approach to the investigation and should endorse the Terms of Reference established earlier. The proponent (and his/her consultant), in consultation with the Environmental Commissioner, relevant authorities, interested and affected parties, determine which alternatives and issues should be investigated the procedural framework that should be followed, and report requirements. It is the responsibility of the proponent to ensure that all the above are given adequate opportunity to participate in this process.

The Scoping process should indicate the following:

- the authorities and public that are likely to be concerned and affected,
- methods to be used in informing and involving concerned and affected parties,
- opportunities for public input.
- specific reference to disadvantaged communities regarding the above.
- the use of advisory groups and specialists.
- the composition of the EA team and their Terms of Reference,
- the degree of confidentiality required.

If the proposal is likely to affect people, the proponent should consider the following guidelines in Scoping:

- the location of the development in relation to interested and affected parties, communities or individuals,
- the number of people likely to be involved,
- the reliance of such people on the resources likely to be affected, -the resources, time and expertise available for scoping,
- the level of education and literacy of parties to be consulted,
- the socio-economic status of affected communities,
- the level of organisation of affected communities,
- the degree of homogeneity of the public involved,
- history of any previous conflict or lack of consultation,
- social, cultural or traditional norms within the community,
- the preferred language used within the community.

(ii) Investigation

The investigation includes literature research and field work, and is guided by the scoping decisions. It is intended to provide the Board with enough information on the positive and negative aspects of the proposal, and feasible alternatives, with which to make a decision.

(iii) Report

The report should consist of the following:

- Executive summary
- Contents page

- Introduction
- Terms of Reference
- Approach to study
- Assumptions and limitations
- Administrative, legal and policy requirements
- Project proposal
- The affected environment
- Assessment
- Evaluation
- Incomplete or unavailable information
- Conclusions and recommendations
- Definitions of technical terms
- List of compilers
- Acknowledgements
- References
- Personal communications
- Appendices

It should also include:

- Management plan
- Monitoring programme
- Environmental Agreement
- Audit proposal

6. NO FORMAL ASSESSMENT

If a policy, programme or project is unlikely to result in significant impacts, and plans for maximizing benefits are adequate, then the proposal can proceed without an EA. In the unlikely event of strong opposition to the development at this late stage, the Commissioner could solicit further opinions from specific ministries, specialists, interested and affected parties and the general public. Based on the response, the proposal is either sent back for more information (especially if there is serious uncertainty or significant information gaps), or approval to proceed is confirmed.

7. REVIEW

Once completed, an Environmental Assessment report is submitted to the Environmental Commissioner for review. The Commissioner will review the document with the assistance of local and/or outside experts, sector Ministries, and any other organisations/individuals as considered necessary. The cost of external review shall be borne by the proponent. The recommendations of the Commissioner shall be presented to the Environmental Board which will make a decision or recommendation as appropriate. Such decision shall be recorded and made known to the proponent.

8. CONDITIONS OF APPROVAL

Once a policy, programme or project has been approved, the Board, in consultation with the proponent, may set a number of conditions. Such conditions may provide for the establishment of a management plan, which specifies tasks to be undertaken in the construction, operational and decommissioning phases of the development. By mutual agreement, a monitoring strategy and audit procedure will be determined at this early stage so that the proponent can make the necessary budgetary provisions well in advance. Provision

is also made for an Environmental Agreement, whereby penalties for not adhering to the Conditions of Approval are agreed upon.

9. RECORD OF DECISION

Whether or not a proposal is approved, there should be a record of decision, which should include reasons for the decision. This Record of Decision should be made available by the Commissioner to any interested party, including the public. Any Conditions of Approval must be reflected in the Record of Decision.

10. APPEAL

The decision making process provides an opportunity for appeal through the Commissioner and/or the Board. Besides appealing to the decision-making authority, appellants should be allowed access to a court of law if malpractice is suspected.

11. IMPLEMENTATION OF PROPOSAL

Once approved, the policy, programme or project may be implemented in accordance with the Environmental Agreement.

12. MONITORING

An appropriate monitoring programme should be required for all approved proposals. Aspects to be covered in Monitoring include verification of impact predictions, evaluation of mitigatory measures, adherence to approved plans, and general compliance with the Environmental Agreement. The responsibility for ensuring that appropriate monitoring takes place lies with the Commissioner, while the proponent shall be responsible for meeting the costs.

13. AUDITS

Periodic assessments of the positive and negative impacts of proposals should be undertaken. These will serve to provide feedback on the adequacy of planning during the **Develop Proposal** stage, the accuracy of investigations in the **Environmental Assessment** stage, the wisdom of the decisions taken during the **Review** stage, and the effectiveness of the **Conditions of Approval** and **Monitoring Programme** during the **Implementation** stage. An audit is thus an *independent* reassessment of the policy, programme or project after a given period of time.

APPENDIX B

LIST OF ACTIVITIES

NB: The following list shall act as a guide for the Environmental Commissioner and Board. Where the scale of activities indicate their relative importance and consequent inclusion in this list, but where specific quantification is not provided, it is up to the Commissioner and/or the Board to use their discretion.

POLICIES, PROGRAMMES and PROJECTS requiring an ENVIRONMENTAL ASSESSMENT

1. Structure plans (eg. Land-use plans and policies).
2. Rezoning applications.
3. Land acquisition for national parks, nature reserves, marine reserves, protected natural environments or wilderness areas.
4. Establishment of settlements.
5. Declaration of limited development areas.
6. Any government policy, programme or project on the use of natural resources.
7. Pest control programmes.
8. Human population growth/management programmes.
9. Nuclear installations.
10. Transportation of hazardous substances & radioactive waste.
11. Mining, mineral extraction & mineral beneficiation.
12. Power generation facilities with an output of 1 megawatt or more.
13. Electrical substations and transmission lines having equipment with an operating voltage in excess of 30 000 volts rms phase-to-phase.
14. Storage facilities for chemical products.
15. Industrial installation for bulk storage of fuels.
16. Bulk distribution facilities.
17. Manufacture of explosives.
18. Introduction and/or propagation of invasive alien plant and animal species.
19. Afforestation projects.
20. Genetic modification of organisms & releases of such organisms.
21. Major roads.
22. Railways.
23. Commercial aerodromes.
24. Ports and harbours.
25. Major pipelines.
26. Cableways and cableway stations.
27. Television and radio transmission masts.
28. Major canals, aqueducts, river diversions and water transfers.
29. Permanent flood control schemes.
30. Major dams, reservoirs, levees and weirs.
31. Establishment of armaments testing areas.
32. Reclamation of land from sea.
33. Major agricultural activities (e.g. livestock and cultivation projects in previously undeveloped/unused areas).
34. Small scale (formal) water supply schemes.
35. Human resettlement.
36. Water intensive industries.

37. Deforestation projects.
38. Desalination plants.
39. Effluent plants.
40. Salt works.
41. Marine petroleum exploration.
42. Major groundwater abstraction schemes.
43. Aquaculture and mariculture.
44. Oil exploration.
45. Multinational projects.
46. Chemical production industries.
47. Veterinary fencing.
48. Tanneries.
49. Military exercises in sensitive areas.
50. Waste disposal sites.
51. Alternate energy programmes.
52. Commercial tourism and recreation facilities (e.g. rest camps).
53. Significant use of pesticides, herbicides & defoliant.
54. Drought relief schemes.

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