

THE REPUBLIC OF NAMIBIA



MINISTRY OF ENVIRONMENT AND TOURISM

ENVIRONMENTAL ASSESSMENT GUIDELINES

SECTOR: WATER INFRASTRUCTURE

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SECTION A

BRIEF OVERVIEW OF ENVIRONMENTAL ASSESSMENT IN NAMIBIA

This section comprises a brief overview of -

- The Constitution of Namibia
- Namibia's environmental policy
- Namibia's draft Environmental Management Act
- Water Act No 54 of 1956
- Scope of these guidelines
- Simplified procedure for submitting an application for an environmental clearance for a listed project in the draft Environmental Management Act

A1 THE CONSTITUTION OF NAMIBIA

According to Article [100](#) of the Constitution of Namibia, “Land, water and natural resources below and above the surface of the land and in the continental shelf and within the territorial waters and the exclusive economic zone of Namibia shall belong to the State if they are not otherwise lawfully owned.”

Article 95 (1) of the Constitution of Namibia states that “The State shall actively promote and maintain the welfare of the people by adopting, *inter alia*, policies aimed at the ... “ maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilisation of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future; in particular, the Government shall provide measures against the dumping or recycling of foreign nuclear and toxic waste on Namibian territory.”

A2 NAMIBIA'S ENVIRONMENTAL ASSESSMENT POLICY

2.1 Two essential principles underpin the Namibian Environmental Assessment Policy (Republic of Namibia, 1995):

- The concept “environment” is to be broadly interpreted to include the biophysical, social, economic, cultural, historical and political aspects of any development project, and
- The environmental consequences of any development project are to be considered, understood and planned for throughout the entire lifespan of any project, that is, commencing with planning and ending with decommissioning and closure.

2.2 The Environmental Assessment Policy lists those policies, programmes and projects requiring an environmental assessment. Those relating to water infrastructure are listed in Section E1 of these guidelines.

A3 NAMIBIA’S DRAFT ENVIRONMENTAL MANAGEMENT ACT

3.1 Namibia’s draft Environmental Management Act defines environmental assessment as:

“.. a process of identifying, predicting and evaluating the actual and potential biophysical, social and other relevant effects on the environment of projects prior to their authorisation, or in the case of proposals prior to their implementation, as well as the risks and consequences of projects and proposals and their alternatives and options for mitigation with a view to minimising negative impacts on the environment, maximising benefits and promoting compliance with the principles of environmental management set out in section 6 [of this Act]”

3.2 Environmental assessment could be required both for:

- A *project*, which means the construction, operation, modification, decommissioning or abandonment of a physical work intended by the proponent, or
- A *proposal*, which means a policy, plan or programme including draft legislation or amendments to existing legislation, which might have a significant effect on Namibia’s environment.

3.3 The draft Environmental Management Act lists those activities requiring an environmental assessment. Those activities relating to water infrastructure are listed at Section E2 of these guidelines.

A4 WATER ACT No 54 of 1956

In planning a project, the proponent should also take cognisance of the Water Act No. 54 of 1956 as amended. The purpose of this Act is broadly to control the use and conservation of water for domestic, agricultural, urban and industrial purposes; to control, in certain respects, the use of sea water; to control certain activities on or in water in certain areas; and to control activities which may alter the natural occurrence of certain types of atmospheric precipitation.

A5 SCOPE OF THESE GUIDELINES

This document pertains to environmental assessment guidelines for water-related infrastructure *projects*. The guidelines do not cover the implementation or amendment of water-related infrastructure *policy*, though the guidelines could also be helpful in this regard.

A6 SIMPLIFIED PROCEDURE FOR SUBMITTING AN APPLICATION FOR AN ENVIRONMENTAL CLEARANCE FOR A PROJECT

A simplified version of the procedure for submitting an application for an environmental clearance for a project, as envisaged in the draft Environmental Management Act, is presented in the flowchart next.