

3.2.7 Namibia

a) Governance

Namibia attained its independence in 1990, thus shedding off many years of colonialism and apartheid. Under these systems, freedom of expression was suppressed. It could not be expected, therefore, that civil society would take part in decision-making processes in aspects of development that affected them. Independence brought with it democratic dispensation; a re-arrangement of the structure of governance through a new constitution, which has been embraced in these words:

“...*Whereas* we the people of Namibia: -...

- Will strive to achieve national reconciliation and foster peace, unity and common loyalty to a single state;
- Committed to these principles, have resolved to constitute the Republic of Namibia as a sovereign, secular, democratic and unitary State securing to all our citizens justice, liberty, equality and fraternity,

Now, therefore, we the people of Namibia accept and adopt this Constitution as the fundamental law of our Sovereign and Independent Republic” (Government of the Republic of Namibia, 1990).

The democratic structure comprises the President, the Cabinet, the National Assembly, whose composition shall be seventy two (72) members elected by registered voters by general, direct and secret ballot; the National Council consisting of twenty six members elected from each of the thirteen Regional Councils; the Administration of Justice, and the Ombudsman at the central government level. The administration is decentralised to Regional and Local Government structures each of which has a council of members elected in accordance with provisions of the Constitution. Local Authority includes all municipalities, communities, village councils and other organs of local government. In addition, in terms of the Constitution, there shall be Council of Traditional Leaders to advise the President on the control and utilisation of communal land and other matters.

Afrobarometer (2002) undertakes regular surveys to measure public opinion in countries, which have a measure of democratic and market reforms; Namibia is one of twelve sampled countries in Africa. The report carried out by Afrobarometer in 2001 shows that there is a wide variation of popular support for democracy among the countries. At that time, Botswana ranked highest at 85 percent, whereas Lesotho was the lowest at 40 percent. Namibia ranked second lowest at 58 percent, lower than the average of 69 percent. However, in terms of how satisfied Namibians were with the performance of their democracy, the score was 64 percent, which was higher than average of 58 percent. Compared to most African countries, which have had independence for three decades or more, Namibia’s performance on institutionalisation of democracy in the last one decade is commendable.

“ Namibia has one of the most favourable, media friendly constitutions in the region. It has established freedom of the press as a fundamental human right. Even the government

owned newspaper, the New Era, exhibits objectivity not seen in most government owned publications in southern African region. There have been, however, reported instances of government interference with the media particularly in relation to the national broadcasting station.... Certain government officials have suggested legislation in favour of media control, but this has thus far remained a talk show topic only” (Media Institute of Southern Africa 2000). Daniels (2001) expresses concern that citizens of Namibia should be able to express their democratic right by voicing their opinions and contribute to development of the country: “There is a need to create an environment where any idea is welcome irrespective of its origin, and its merits should be debated without fear”(ibid). This would form one of the important ingredients for implementation of true democratic dispensation, and by so doing propel the carriers of sustainable development, one of them being participation of the civil society in decision-making.

b) Legal Framework

Environmental Legislation

The process of preparing environmental policy was a lengthy one involving many stakeholders. It began in 1992 and the environmental assessment (EA) policy was approved by Cabinet in 1994 paving a way for drafting legislation, the Environment Management Bill, which started in 1996. The process is said to have been locally driven and highly consultative (Anonymous 2002), but it cannot be ascertained in detail that the stakeholders were and how the consultation was done. Information available does not show whether the often forgotten most important stakeholders, the grassroots communities, were consulted or not, and if so, how that was carried out. It was noted, however, that the environmental assessment policy has gone further to show that the EA procedure will, among other things, “...strive for a high degree of public participation and involvement by all sectors of the Namibian community in the EA process” (Anonymous, 2002).

The EIA Process

During the stage of developing a proposal, it is required that neighbours in the vicinity of the proposed project and other interested parties be notified. Initial discussions should be held with them in order to come up with issues identifying, more fully, the affected parties and their interests, potential impacts of the proposed project, alternatives and mitigation measures (Tarr 1993).

The next stage is the scoping exercise by which investigations are done to identify the key environmental issues in consultation with interested and affected parties. It is expected that the scoping process should, among other things, show that: -

- The authorities and public that could most likely be the concerned and affected have been taken into account;
- Methods to be used informing and involving the concerned affected parties are spelled out;
- Opportunities for the public to make inputs are provided;

- Specific reference to the disadvantaged communities is made in the report;
- Mention is made of the use of advisory groups and specialists.

In cases where development is likely to affect people, the proponent is expected to follow the guidelines on: -

- 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 the parties to be consulted;
- The socio-economic status of the affected parties;
- The level of organisation of affected parties;
- 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.

Detailed Environmental Assessment Guidelines (Namibia Resource Consultants 2001) have been prepared with the intention of complementing the Environmental Assessment Policy and the Environmental Management Bill. These guidelines provide an example that pertains to a project that involves water infrastructure in Namibia. This Report zeros in only in as far as public participation is concerned. The environmental assessment guidelines contain the following broad elements:

- A. Brief overview of environmental assessment in Namibia;
- B. Water in Namibia;
- C. Checklist for an initial project application;
- D. Checklist for an environmental assessment report pertaining to water infrastructure (procurement, storage, and transfer) projects;
- E. Useful baseline information sources.

Among the things to be done in the checklist for the initial environmental review process is for the proponent to inform oneself about the affected community and other interested and affected parties, and then to invite appropriate public participation.

The proponent is expected to visit the project sites to try to form an idea of the lifestyle of the communities and to commit to an informed and participatory approach in establishing and operating the proposed project. The proponent must also ascertain the perceptions and opinions of the people in the area:

In urban areas, Namibian communities are likely to raise the following issues of concern: -

- Possible reduction in standards of living and overall quality of life;

- Negative impacts on the value of their properties;
- Personal safety, including hazards to their children or their elderly;
- Increased crime;
- Potential health hazards;
- Atmospheric emissions – dust, smells, vibrations;
- Pollution – visual impairment, noise, waste, litter;
- Increased traffic volumes;
- General appearance of the infrastructure – ugliness minimised;
- Loss or disturbance to values such as landscape and vegetation;
- What happens when the project ends?

Rural Namibian communities may add to the above list of issues as follows: -

- Livestock well-being and loss of grazing areas;
- Loss or disruption to traditional means of livelihood;
- Possibility of being employed in the project;
- Probability of the project increasing the area's development;
- Need for water;
- Limitation on access to formerly open areas;
- Damage to valued traditional, spiritual or historical places;
- Problems associated with an influx of workers, crime, AIDS etc
- Loss of culture.

The proponent in Namibia must also provide information on the project, alternative scenarios for it, and request the community for its comments through any or all of the following:

- Notices in the local newspapers;
- Notices over the Namibian Broadcasting Corporation, including local vernacular and language services;
- Flyers distributed on-site to community residents;
- Informal discussions with community representatives;
- Discussions with any other stakeholders identified in the process;
- A background information document distributed to a list of stakeholders, which also invites comments or concerns;
- A public open house display;
- A well advertised public meeting at an easily accessible venue, on a day and time which suits the community's general lifestyle, to give information on the project and to hear concerns and comments;
- Feedback mechanism such as another meeting, a newsletter, notices in the media;
- Visits to similar projects.

Further consultations are then carried out to report back to the interested and affected parties based on the information obtained during the preceding stages of the environmental review above. These are: -

- Report on initial consultation process with the relevant authorities, the affected community, and other interested parties;
- Summarise the issues which emerged.

The overall Environmental Assessment Report must then be written using the format below:

1. Executive summary;
2. Table of contents;
3. Glossary;
4. Introduction;
5. Terms of reference;
6. Approach to the study;
7. A description of the proposed project and its purpose;
8. A Description of the environment likely to be significantly affected by the project and its alternatives;
9. A description of the potential environmental impact of the proposed project and its alternatives, and an estimation of its significance;
10. A description of effects on cultural heritage and also of major impacts or socio-economic resulting from alternatives to those factors;
11. A Description of mitigation measures to keep adverse environmental impacts to a minimum;
12. An explicit indication of predictive assumptions as well as the relevant environmental data;
13. An indication of gaps in knowledge and uncertainties encountered in compiling the required information;
14. A description of the steps taken to consult with and solicit comments from interested and affected;
15. Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis.

The next step is to subject the Report to a review process by the authority in concert with specialists in various fields and the general public. Figure 4 provides the overall perspective.

Figure 4. The Environmental Assessment process for projects in Namibia

