

## **STATEMENT**

### **on the Environmental Clearance Certificate issues by the Office of the Environmental Commissioner for offshore mining of marine phosphate**

The Namibian Chamber of Environment believes that properly conducted environmental assessments by independent and competent professionals is the correct basis on which to take informed decisions regarding major developments in Namibia. This is the requirement of the Environmental Management Act, and this is also consistent with international best practice. The Office of the Environmental Commissioner has followed this approach to arrive at a decision to allow the phased mining of marine phosphates. Because of the sensitivity of the marine ecosystem and a perceived impact on the fishing sector, the Environmental Clearance Certificate has been issued subject to a number of important conditions, as follows:

1. Clearance to proceed is valid for a period of three (3) years.
2. If impacts are found to be greater than expected, and no feasible and acceptable mitigation measures are implemented, then the operation shall be closed and the Environmental Clearance Certificate withdrawn.
3. Bi-annual (twice per year) reports on the implementation of the Management Plan (and the monitoring required therein) must be presented to both the Ministry of Environment and Tourism (MET) and to the Ministry of Fisheries and Marine Resources (MFMR).
4. Dredged seabed and water column monitoring must be conducted on a regular basis with reports submitted to MET quarterly.
5. The proponent must fund the establishment of a centre of excellence to monitoring the impact of phosphate mining and to produce generic standards and guidelines for the sector in future.
6. Data from the monitoring must be freely shared with the competent authorities.
7. The best available technology must be used to have least environmental impact.
8. The mining and processing techniques will be reviewed annually against monitoring data, to be done jointly by the proponent and the regulator.
9. Separate environmental clearance must be obtained for the onshore processing plant.

The Namibian Chamber of Environment believes that the Office of the Environmental Commissioner has made a rational decision to allow the mining of marine phosphates to proceed on a trial basis for up to three years and subject to detailed monitoring and reporting. The Chamber is also aware that there are strong sentiments against marine phosphate mining, for the welfare of the marine ecosystem and concerns about possible negative impacts on the fishing sector.

The current proposed mining is restricted to a relatively small area of the sea bed. The conditions on the Namibian coast are different to those, for example, off the South African east coast. The strong Benguela current and high energy coast will move and dissolve sediments more effectively than occurs on the east coast. Professional opinion as expressed in the EIA report for this project suggests that impacts will be very low. But most important, we simply will not know for sure the exact impacts until mining starts – and that is why the conditions attached to the Environmental Clearance Certificate become vitally important.

The Namibian Chamber of Environment would like to see the institutional arrangements around the monitoring and reporting strengthened, to ensure greater transparency and public accountability. We suggest that a body is established, much like the Committee that oversaw and reviewed the Uranium Rush Strategic Environmental Assessment work and reports, to (a) receive and review all reports and monitoring data, (b) to oversee the establishment and work of an independent “centre of excellence” to monitor the impact of phosphate mining, and (c) to advise the relevant authorities, if the impacts become greater than expected and acceptable, to withdraw the Environmental Clearance Certificate and close down the mining.

The Committee should comprise the MET (Office of the Environmental Commissioner), MFMR, Ministry of Mines and Energy, a representative of the fishing sector, a representative of the phosphate mining proponent and representatives of environmental non-governmental organisations. All reports and data should be in the public domain. This should be done by setting up a dedicated website for the Committee to post all reports and monitoring information.

Two additional aspects to the marine phosphate mining are of potential concern. First, if the environmental impacts are found to be greater than are considered acceptable, will the MET have the courage and authority to push the “stop” button in the face of investments made, jobs created and other vested interests? And second, should the impacts from this first trial mining operation be very limited as expected from expert opinion, what will be the cumulative impacts of further mining, and will detailed monitoring be continued? These are additional important reasons to establish a multi-stakeholder Committee with the authority to oversee reporting, independent monitoring and to make clear recommendations to the relevant authorities with respect to impacts during the trial phase, potential future cumulative impacts and to advise on the way forward regarding mining of marine phosphates.

In conclusion, our view is that carefully managed and monitored phosphate mining, done in a fully transparent manner, will do more to guide the best future approach than the current heated debate, where no party currently has the necessary detailed information on actual impacts. Namibia has well-developed Environmental Impact Assessment legislation, regulations and procedures. These need to be implemented and followed. When due process is followed, a considered and informed decision can be made. The Namibian Chamber of Environment believes that due process was followed and that a rational decision has been made. However, we would recommend that the process is strengthened to create greater legitimacy by establishing a multi-agency, multi-stakeholder Committee to receive and review all reports and monitoring data, to oversee the establishment and work of an independent “centre of excellence” to carry out the monitoring, to make recommendations on future decisions and to create total transparency by placing all reports and environmental monitoring data in the public domain.

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