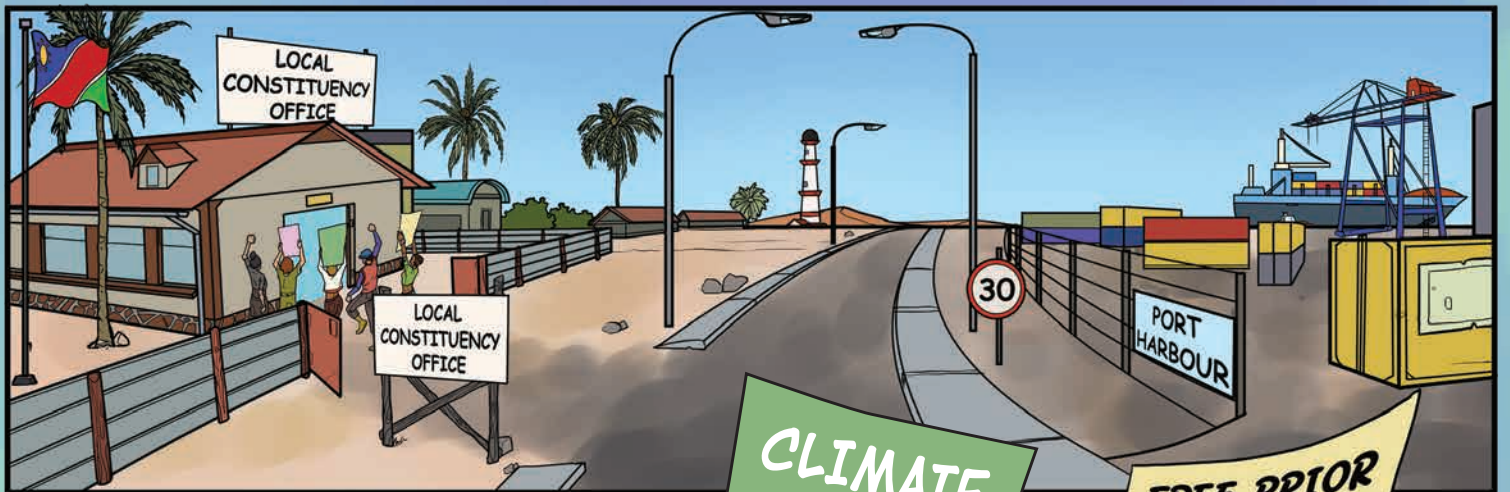


TROUBLED WATERS

Coastal protection, communities and constitutional commitments



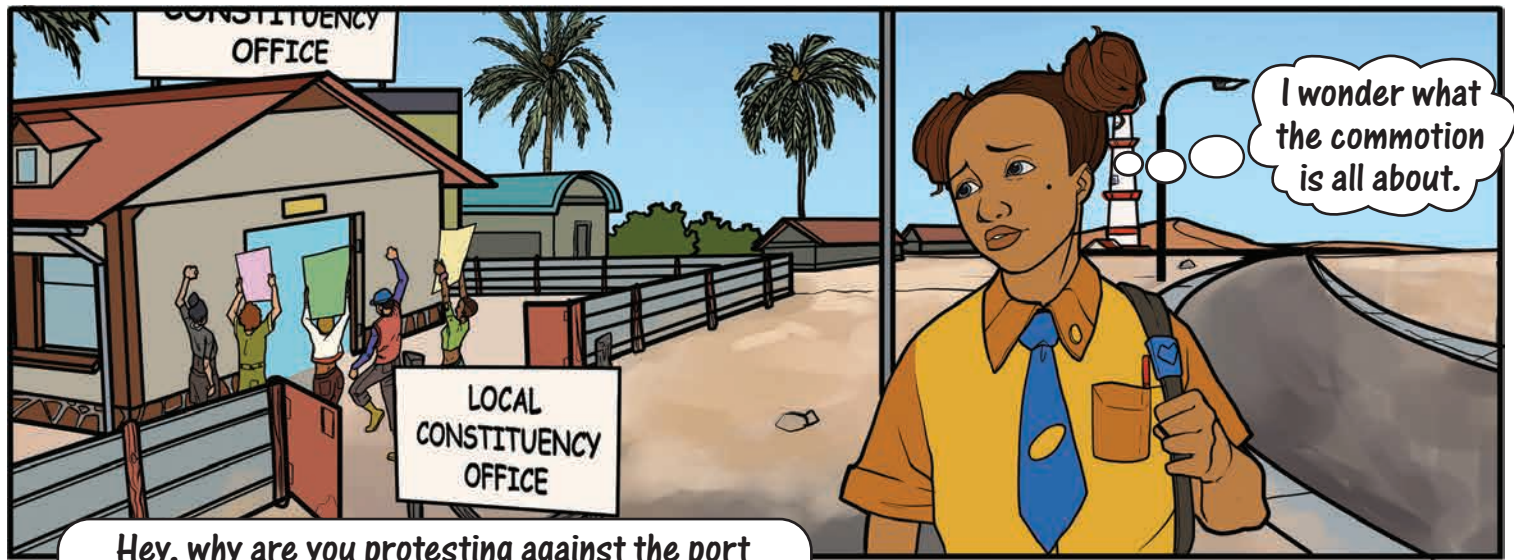
**CLIMATE
CHANGE
IS REAL!
ACT
NOW!**

**No oil
refinery
in our area!**

**NO TO
HARBOUR
EXTENSION!**

**FREE PRIOR
INFORMED
CONSENT!**
We demand
a Strategic
Environmental
Impact
Assessment!
SEA!
We demand to
be consulted!



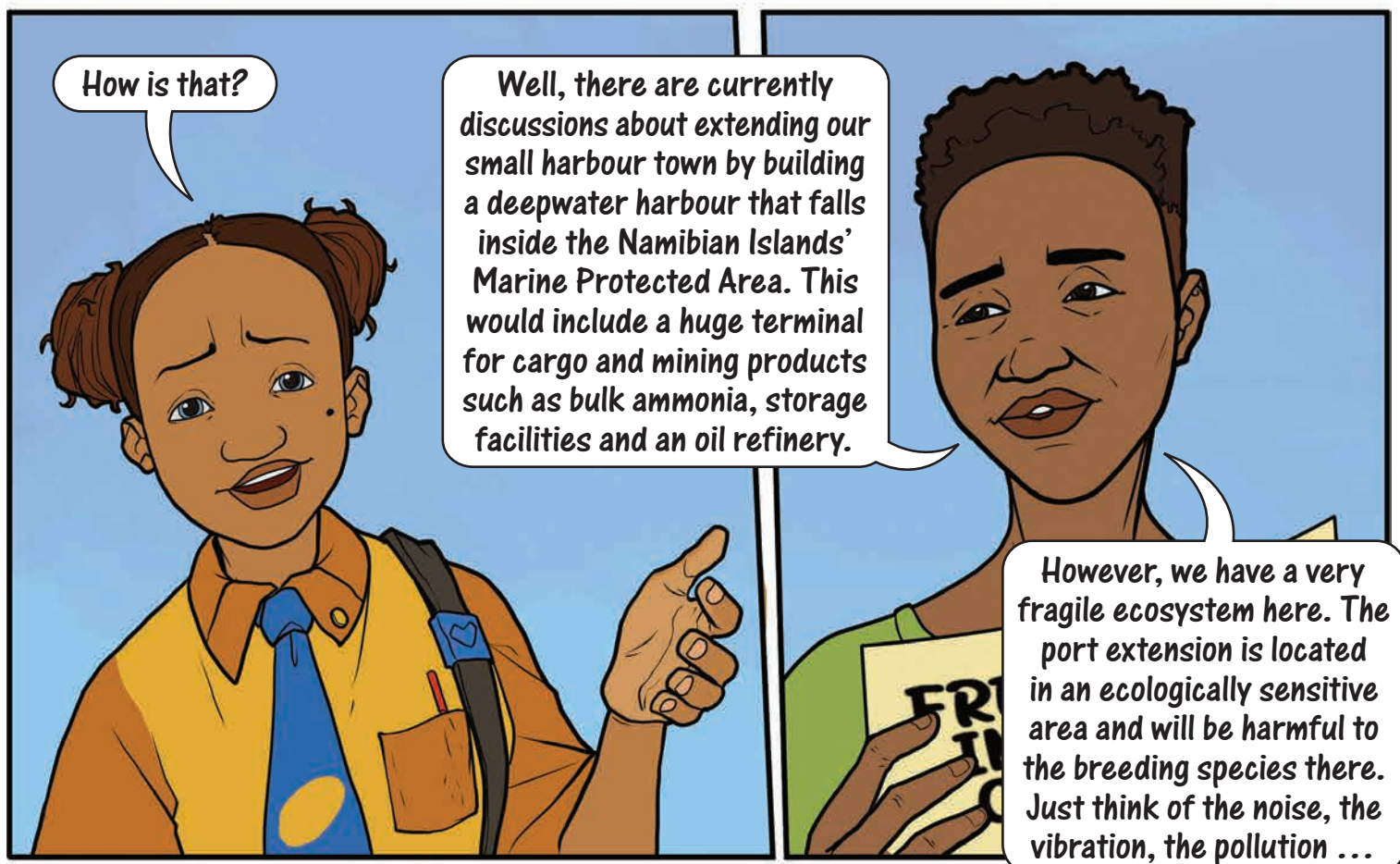


Hey, why are you protesting against the port extension? I thought this will be good for the town. The local councillor has praised the project.



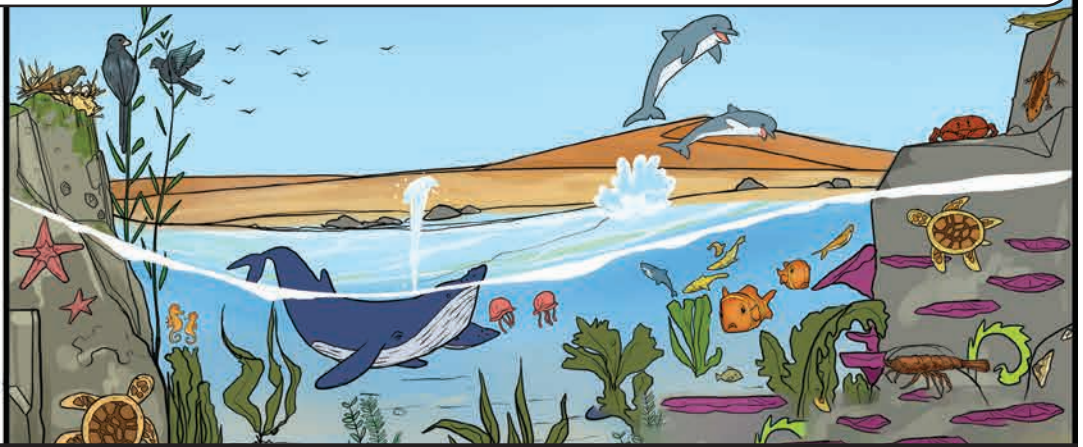
How is that?

Well, there are currently discussions about extending our small harbour town by building a deepwater harbour that falls inside the Namibian Islands' Marine Protected Area. This would include a huge terminal for cargo and mining products such as bulk ammonia, storage facilities and an oil refinery.



However, we have a very fragile ecosystem here. The port extension is located in an ecologically sensitive area and will be harmful to the breeding species there. Just think of the noise, the vibration, the pollution ...

This area is part of the Succulent Karoo biome, which is recognised by UNESCO as a biodiversity hotspot and the only arid biodiversity hotspot in the world. A number of plants here are endemic (not found anywhere else) and are listed in the Red Data Book. The wider area is home to 6 350 plant species, 121 reptile species, 68 mammal species and 431 bird species. A port in this area would ignore the need for conservation. Has anyone considered the rock lobster sanctuary found here? Don't forget that our ocean also supports land-based mammals, like the brown hyena, a near-threatened species.



Under the leadership of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the World Heritage Convention was established in 1972. Namibia joined the Convention in 2000. The most significant feature of the Convention is that it links together in a single document the concepts of nature conservation and the preservation of cultural properties. The Convention recognises the way in which people interact with nature, and the fundamental need to preserve the balance between the two.



An "endemic" plant or animal is one that is native and restricted to a certain geographical area. The *Red List of Threatened Species*, established by the International Union for Conservation of Nature (IUCN) in 1964, contains the world's most comprehensive information on the global conservation status of animal and plant species. The IUCN Red List is a critical indicator of the health of the world's biodiversity.



It seems to me the politicians have already decided for us. The talk of the town is that the new deepwater port is coming.



Allowing exploration and mining within this protected area could create conflict. We have not even been consulted. We demand that the authorities do a Strategic Environmental Impact Assessment before a decision can be taken.

I need to discuss this at our eco club at school this afternoon. Will you come and talk to us?



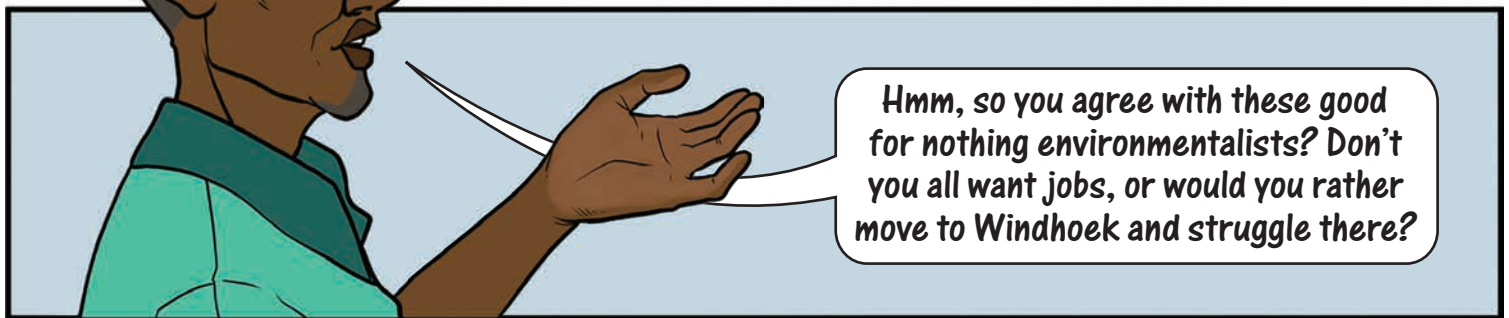
In town today I came across a protest against the planning of the new deepwater harbour.



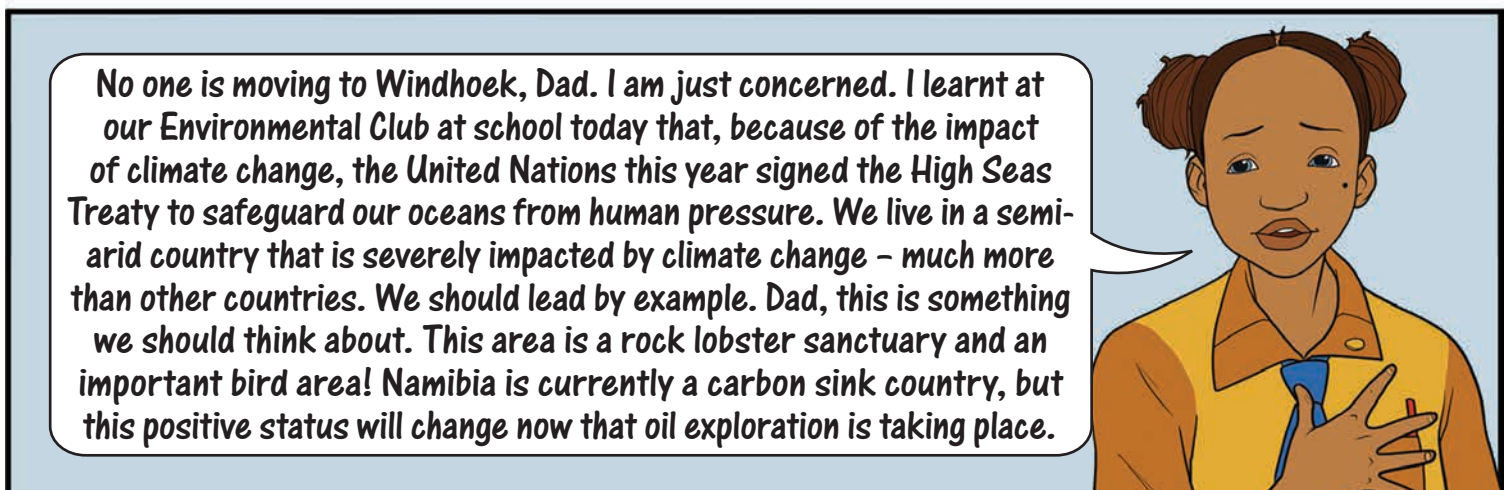
I think I agree with the protesters, but job opportunities have been promised, so I am not sure what to believe. We all know about “Fishrot” and how local jobs in the fishing sector were lost because of those backroom dealings.



Hmm, so you agree with these good for nothing environmentalists? Don't you all want jobs, or would you rather move to Windhoek and struggle there?



No one is moving to Windhoek, Dad. I am just concerned. I learnt at our Environmental Club at school today that, because of the impact of climate change, the United Nations this year signed the High Seas Treaty to safeguard our oceans from human pressure. We live in a semi-arid country that is severely impacted by climate change – much more than other countries. We should lead by example. Dad, this is something we should think about. This area is a rock lobster sanctuary and an important bird area! Namibia is currently a carbon sink country, but this positive status will change now that oil exploration is taking place.



A “carbon sink” country is one that absorbs more greenhouse gases than it emits. It is critical that countries with high emissions of greenhouse gases reduce their emissions. While those countries focus on doing that, countries with low emissions, like Namibia, should focus on maintaining or enhancing their net carbon sink status and adaptation measures.

In June 2023, the 193 Member States of the United Nations (UN) adopted a landmark legally binding marine biodiversity agreement, namely the **High Seas Treaty**, following nearly two decades of fierce negotiations to forge a common wave of conservation and sustainability in the high seas beyond national boundaries – covering two-thirds of the planet's oceans. The Treaty is aimed at taking stewardship of the oceans on behalf of present and future generations, in line with the **UN Convention on the Law of the Sea**.

The new agreement contains 75 articles aimed at protecting, caring for and ensuring the responsible use of the marine environment, maintaining the integrity of ocean ecosystems, and conserving the inherent value of marine biological diversity.



The **High Level Panel for a Sustainable Ocean Economy** (also known as the “**Ocean Panel**” or “**Blue Economy Panel**”) is made up of the leaders of 18 countries who work together to catalyse and implement ocean solutions around the world. There is a shared ambition to sustainably manage 100% of ocean areas under their respective national jurisdictions by 2025. More information can be found at <https://oceanpanel.org>.



Lukas, there will only be a few jobs during the construction phase, and after that, none of us locals will have a job at the port, besides being a security guard. The port and the mining will need experts. Are you an expert? We don't have these experts in Namibia. So we will not get those jobs. Just think, the port is going to be used for the oil industry and possibly to transport ammonium, both of which pose the threat of leaking, which could cause irreversible damage to the sea. Frieda is right. Have you heard about climate change and how fossil fuel contributes to ever-increasing global warming?



We were initially told that the area would become a recreational space. That was a brilliant idea, and good for my tourism business. But if it becomes a port, the visual quality of our town will decline and that will not help to draw tourists here. Think about it: if our penguins and pelicans, and even the nice seafood is gone, will tourists still want to come here? I agree with the protesters. I will join them.



Today I learnt that the ecosystem of the whole area around the port will be dramatically changed, as from the construction phase. A port changes the marine and coastal ecology fundamentally. Bottom contamination happens in every port area. The noise and vibration will drive the fish stock away, and other flora and fauna will be affected too. And isn't dad a fisherman? He might lose the source of his income. He might become jobless. Will he qualify to be employed by the extractive industry then? No, because he'll be too old. When he is unemployed, who will take care of him and our family?!



Ah, I am not sure. The port means huge development for the region. We will all benefit.



But it's not only about us. We need to use our natural resources sustainably for today's and future generations. Building an oil refinery and supporting industrial development projects prolong and increase global warming, and in the end, a semi-arid country like Namibia will deteriorate quickly and we will suffer the most. Think of the heat here already, and imagine it being even hotter because of global warming. Think of what we are already hearing on the news about droughts, floods, rising sea levels ... This cannot all be a coincidence!

GLOBAL WARMING AND CLIMATE CHANGE

Global warming is the long-term heating of Earth's surface observed since the pre-industrial period (between 1850 and 1900) due to human activities, primarily the burning of fossil fuels (coal, oil and gas), which increases heat-trapping greenhouse gas levels in Earth's atmosphere.

Climate change refers to long-term shifts in temperatures and weather patterns. These shifts may be natural, but since the mid 19th Century, human activities have been the main driver of climate change, primarily due to the burning of fossil fuels, which produces heat-trapping gases.



This is not my concern. I will not live to see these negative effects. I want to see development and I want to make money.

We are already experiencing the effects of global industrialisation. We do at least have a country with great opportunities, but these port and oil projects require huge tracts of land – 800ha they say – and we locals are being driven out of our own town! Where will we go? Can we even afford to move? And even if we can stay here, what if house rentals increase because of the increased demand for housing by outsiders who come to work on these projects?



Keep in mind the direct impacts. We will have local residents being moved because the port needs storage facilities, for example. There will be vessel traffic and discharging of cargo, and hazardous material finding its way into our ocean through emissions, oil spills, leakages from ships and other forms of pollution. This is really concerning!



THE NEXT DAY ...

Hey buddy, long time no see.

I am still here. Did you see the protestors at the Town Council yesterday? They are protesting against the plan to construct the deepwater port. What do you say?

I haven't thought about it. I just heard our Human Resources people talking about possibly losing out on a new fish quota, which means retrenchments at the factory. I am too old to find a new job.

Me too. And my niece Sophie is worried that she will lose her job in tourism. I am the family breadwinner, but I want my boy Lukas to find a job. So what should we do? Should we support the project or not?

Maybe we should invite the Town Council to speak to us about the project.

Good idea. Let's ask HR to approach the Town Council to explain to us what their plans are and how they will affect us.



Article 95I of the Constitution dictates to the Government to use the natural resources sustainably and for the welfare of the people. As a result, the Environmental Management Act of 2012 (EMA) makes it a requirement to consult with potentially affected and interested parties. We summarise this as **FPIC**, which stands for **Free Prior Informed Consent**.



What does FPIC mean?



In this case FPIC means that the developers of the port have to **consult** with you as affected parties. They must inform you about the positive effects of their project, but they also have to be honest about the negative aspects. This might need more research to understand what environmental impacts could be caused by the construction of a deepwater port. Before any construction begins, the developers have to obtain an **Environmental Clearance Certificate**. In terms of this certificate, the Environmental Commissioner should prescribe that the developers undertake an **Environmental Impact Assessment**. Here your voice will be crucial. You can submit your **objections** to the Environmental Commissioner.

What if our concerns are ignored?



But I have read about cases where the communities' voices were ignored. Appeals are costly and time-consuming.

The EMA gives every concerned and affected party the right to appeal the decision of the Environmental Commissioner.



Yes, the appeal clause is a little vague. We need to lobby our lawmakers to make that section of the EMA clearer. The appeal section needs to clarify how the appeal committee is constituted. And there should be deadlines as to when the appeal must be heard and decided. For now, the law stands as is.

Don't forget that my office is always available to support you.

Another point is **access to information**. This is regarded as a crucial ingredient for a society that upholds democracy and good governance. And it helps the Government to be transparent and accountable for its action. Access to information is of particular relevance to indigenous people, especially in terms of engaging government with regard to asserting the relevant laws applicable to their rights. Parliament adopted a new law in 2022 and will make this operational in the coming months.





We thank you for your time and honesty when speaking with us. I am now going to speak with management about how our fishermen can be heard.

Thank you Mr Ombudsman. We support development, yet we also support the rights of our people to be heard and to be part of the decision-making process. After all, this is a right given to us by our lawmakers.



Yes. We are exercising our rights as citizens and we must make our voices heard!

With this publication, the LAC wishes to engage with the general public, and particularly the youth, regarding the relationship of local communities to their natural environment, biodiversity, and the need to ensure sustainable social and economic development based on natural resource capitalisation. Accelerated climate change, along with unsustainable resource extraction, social marginalisation and environmental destruction, is disrupting these interlinkages, thereby threatening Namibia's social fibre. Often the voices of indigenous and local communities are ignored, with top-down decision-making being imposed on (often marginalised) communities. As a result, the outcomes are ill-informed and without reference to the direct needs of vulnerable people, who will pay the highest price for human-induced climate change effects. This publication is intended to promote the guarantee that indigenous and local communities will always be given full information and the chance to participate with a meaningful voice in determining development needs or in decision-making on policies and projects relevant to climate change adaptation strategies.

The story told in this comic is fictional.

The Hanns Seidel Foundation (HSF) is a German non-profit organisation, active in more than 60 countries around the world, promoting democracy, good governance, the rule of law and anti-corruption. Cooperating with its Namibian partners, such as the LAC, HSF also seeks to contribute to sustainable economic and social development, environmental sustainability, as well as climate adaptation and mitigation.

The views and opinions expressed herein are those of the authors and do not purport to reflect the views and opinions of the HSF.

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