



# ENVIRONMENTAL MANAGEMENT ACT No.7 of 2007 IMPLEMENTATION

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## The role of the Mining sector

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# Presentation outline

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# Legal basis for env. protection

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## Article 95 (1) Namibia Constitution

- *"the State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of natural resources on a sustainable basis for the benefit of all Namibians both present and future"*

# Purpose of the EMA

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- To promote the sustainable management of the environment and the use of natural resources by establishing principles of decision making on matters affecting the environment
- To provide for the process of assessment and control of activities which may have significant effects on the environment among others

# Principles of Env. Management

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- Principles of Environmental management states among others:
- Assessments must be undertaken for activities which may have significant effects on the environment or the use of natural resources
- Community involvement in natural resources management and the sharing of benefits arising from the use of the resources must be promoted and facilitated;
- Participation of all IAPs must be promoted and decisions must take into account their interests, needs and values

# Principles of Env. Management .....

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- The reduction, re use and recycling of waste must be promoted;
- A person who causes damage to the environment must pay the associated costs for rehabilitation
- Damage to the environment must be prevented & activities which cause such damage must be reduced, limited or controlled

# Listed activities

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- PART VII - ENVIRONMENTAL ASSESSMENT
- **Listing of activities and prohibition in respect of listed activities**
- **27. (1) The Minister, after following the consultative process referred to in**
- **section 44, may list, by notice in the *Gazette*, activities which may not be undertaken**
- **(2) Activities listed, under subsection (1), include but not limited to :**

# Listed activities cont....

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- Mining and quarrying activities
  - Construction of facilities for any process or activities which requires a license or other form of authorization in terms of the Minerals and Prospecting Act of 1992



# Implementation of EMA

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## The role of the mining sector

- Mining sector is among major role players in the EMA implementation
  - Expected to comply with the provisions of the EMA in its entirety
    - ✦ Follow the EIA process as outlined in the EMA & its regulations e.g.
    - ✦ Appoint the EAP to manage the assessment process
      - Conduct a public consultation;
      - Open and maintain the register for IAP
    - Prepare the scoping report and obtain comments;
    - Submit to the competent authority the application for Environmental Clearance and scoping report, EIA and EMP with the payment of prescribed fees;

# Implementation of the EMA....

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## **45 External specialist reviewer**

- When the knowledge required to review any aspects of the report is not available in the Ministry  
or
- When a high level of objectivity is required which is not in the documents submitted
  - Mining companies will be expected to pay for external specialist reviewer

# Implementation of the EMA....

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## **50 Appeals to the Minister**

- 50 (1) Any person aggrieved by the decision of the Environmental Commissioner in the exercise of any power in terms of the EMA may appeal to the Minister against that decision.

## **51 Appeal to High Court against Minister`s decision**

- 50 (1) Any person aggrieved by a decision of the Minister in terms of the EMA 50 (4) or a decision under section 21 to the high court

# Implementation of EMA cont.....

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## **Management of the Environmental clearance**

- Manage the environmental clearance certificate as per the EMA
  - ✦ E.g Amendments, transfers and renewals should be made in the prescribed format
- Comply with the conditions of Environmental Clearance certificate
  - ✦ Comply with the do and don'ts of the EC
- Promote sustainable development
  - ✦ Environmental socio- economic well being should be promoted

# Offences

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## **Offences related to the EMA :**

- Undertaking listed activity without an environmental clearance certificate;
- Provide false or misleading information to the Environmental Commissioner;
- Destroy or defaces any document related to the EMA

# Penalties

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- Offenders will be liable to a fine or imprisonment

# Suspension of the ECC

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- The commissioner may by notice to the ECC holder suspend or cancel the ECC if the holder has:
- Contravened any condition of the certificate;
- Has contravened the EMA;
- Is convicted of an offence in terms of the EMA



# Conclusion

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- Principles of environmental management are crucial for sustainable development
- Mining sector is among the role players in the EMA implementation
- Assessment should be carried for activities that have impacts on the environment
- ECC may be suspended if the holder contravenes the provision of the EMA
- Mining sector must promote sustainable development



Thank  
You



# Questions welcome

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