

Republic of Namibia

Ministry of Environment, Forestry and Tourism

Ministry of Mines and Energy

National Policy on Prospecting and Mining in Protected Areas, other Areas with High Value Species and Environmentally Sensitive Areas

2024/2025 - 2034/2035

01 Feb. 2025

Author: Ministry of Environment, Forestry and Tourism and Ministry of Mines and Energy

The views expressed in this publication are those of the publishers:

Ministry of Environment, Forestry and Tourism
P/Bag 13306, Windhoek
Phone: +264 61 284 2111
Fax: +264 61 229 936
Troskie Building, C/o Dr Kenneth Kaunda Str & Robert Mugabe Avenue

Ministry of Mines and Energy
P/Bag 13297, Windhoek
Phone: +264 61 284 8234
Fax: +264 61 284 838
6 Aviation Road, Windhoek

Citation: Ministry of Environment, Forestry and Tourism and Ministry of Mines and Energy, 2024. National Policy on Prospecting and Mining in Protected Areas, other Areas with High Value Species and Environmentally Sensitive Areas

© MEFT and MME 2024.
Reproduction of this publication for educational or other non-commercial purposes without prior permission from the copyright holder is authorized, provided the source is fully acknowledged.
Reproduction of this publication for resale or other commercial purposes without prior written permission of the copyright holder is prohibited.

Acknowledgements

This updated policy was developed jointly by the Ministry of Environment, Forestry and Tourism and the Ministry of Mines and Energy based on a review of the 2018 National Policy on Prospecting and Mining in Protected Areas. Financial and technical support was provided by the World Wildlife Fund Namibia. The development process for the Policy involved consultations with all stakeholders including line ministries, Non-Governmental Organizations, communities and the private sector.

Executive Summary

Namibia is rich in biological resources that have both national and international significance. The country's Gross Domestic Product (GDP) derives mainly from primary sectors of production which are heavily dependent on healthy functioning ecosystems and the prudent management of natural resources.

At the same time mining has been the biggest contributor to GDP after government services since the earliest discoveries of minerals in Namibia. The mining industry plays a vital role in the growth and development of Namibia's economy and the number of applications for Exclusive Prospecting Licenses (EPLs) for various minerals continues to increase.

There are major overlaps in the location of rare species, critical biodiversity areas and the presence of minerals in Namibia. The potential negative impacts of exploration and mining activities can be devastating to biodiversity and ecosystems. Landscape alteration, soil and water contamination and the loss of critical habitats can lead to the loss of important and endemic plant and animal species, which can compromise ecosystems and reduce tourism potential. Namibia's mineral endowment implies that mining and the environment will continue to interact and hence the need to work together to achieve prosperity in a sustainable manner.

It is on this basis that the Ministry of Mines and Energy (MME), and the Ministry of Environment, Forestry and Tourism (MEFT) developed this Policy to guide decision making with regards to exploration and mining in protected areas and other areas such as communal conservancies, community forests, other State land, game farms and other freehold land that hold high value species, as well as environmentally sensitive areas. It has been necessary to expand the scope of the policy to include such areas in line with both growth in the mining industry and in biodiversity conservation programmes. While a number of strategies are being employed to address exploration and mining activities in protected areas, it has become evident that strong policy frameworks and tools should be developed to improve decision making and provide protection for biodiversity, ecosystem services and cultural heritage from development impacts.

The vision of the Policy is to develop integrated and sustainable prospecting and mining in Namibia to support economic growth, whilst maintaining the integrity of ecosystems and natural resources, and avoiding degradation of areas highly sensitive for their ecological, social and/or cultural heritage value. This is to be achieved through identification of key ecological and culturally sensitive areas within Namibia's protected areas and other areas with high value species and environmentally sensitive areas, development of a Decision Support Tool, and improvement in the procedures for granting different exploration and mining licenses.

This Policy presents an important opportunity to strengthen inter-ministerial collaboration and coordination, which will support improved integrated and sustainable development planning that fosters economic growth whilst maintaining the integrity of ecosystems and natural resources upon which Namibia's people and its economy depend.

The Policy has been developed to complement various regulations and policies relevant to prospecting and mining, in order to ensure minimal negative impacts on the environment. Where necessary, specific Memoranda of Understanding shall be developed between prospecting and mining companies, the MEFT and the MME to set out additional implementation mechanisms.

The Ministry of Environment, Forestry and Tourism in collaboration with the Ministry of Mines and Energy are the custodians of this Policy. The implementation of the Policy will be coordinated by a Technical Committee composed of different stakeholders led by the two Ministries. The two ministries will also, with the support of the Technical Committee, take the lead to coordinate the regular monitoring and evaluation of progress with regard to the implementation of the Policy.

The effectiveness of the Policy implementation largely depends upon raising awareness among key stakeholders, and allocation of resources dedicated to the implementation of the Policy. The MEFT and MME will jointly seek resources to ensure effective implementation of the Policy.

Foreword

As Namibia continues to grow and strive towards economic development, we need to be mindful that loss of biodiversity puts aspects of our economy, wellbeing and quality of life at risk, and reduces socio-economic options for future generations. Approximately 17% of the surface area of Namibia is proclaimed or gazetted as national protected areas. These areas are attractive for tourism, which is the fastest growing sector in Namibia, and they support the country's social and economic development in numerous ways. While some parts of the protected area network possess significant mineral wealth, disregard for the environment and ecosystems management could result in considerable adverse impacts. We have learnt that uncontrolled prospecting and mining can seriously undermine the character, ecology and tourism potential of protected areas and other areas with high value species and environmentally sensitive areas, resulting in opportunity costs for potential development.

More than 70% of tourism activities in Namibia are attributable to protected areas. Tourism is a highly labour-intensive industry and contributes to the creation of sustainable employment. Many new tourism concessions have been developed inside protected areas, significantly increasing concession fees paid to the State and rural communities and creating employment opportunities. This will lead to increased tourism and will support regional and national development goals. It is also necessary to recognize the importance of communal conservancies, community forests and some game farms as well as some other State land and freehold land to biodiversity conservation and tourism development, especially when they form part of a public-private partnership with Government to protect some of Namibia's most endangered species and habitats outside protected areas.

Similarly, Namibia's mineral endowment and the resulting exploration and mining are of high importance to the national economy. Mining has been the mainstay of the Namibian economy for more than 100 years and is set to retain its importance for the foreseeable future. The contribution to GDP is expected to grow to at least 17%, and mining remains the most important taxpayer as well as foreign exchange earner. It is also a significant employer and skills developer, and therefore has significant share in the social and economic development of Namibia.

With the large size of protected areas in Namibia, it is not surprising that a major part of the country's mineral endowment occurs in protected areas. In fact, some 75% of the revenue from mining comes from protected areas in Namibia. By far the two most important commodities in Namibia, diamonds and uranium, come almost exclusively from protected areas, with diamond operations occurring in the Tsau //Khaeb (Sperrgebiet) National Park and the Namibian Islands Marine Protected Area, and two out of

Namibia's three uranium mines in the Namib-Naukluft National Park. While their core business is extraction of minerals, mining operations also make significant contributions to conservation in Namibia.

Given this enormous potential of both, tourism and mining to contribute to Namibia's economic development and poverty alleviation, Government needs to ensure that prospecting and mining activities do not jeopardize the potential for long-term and sustainable development opportunities in protected areas. It is also important to recognize that protected areas are the cornerstone of the nation's biodiversity conservation and a source of wildlife, including many high value species, but do not represent all of Namibia's biodiversity or all environmentally sensitive areas. This Policy has therefore been developed to ensure that the sectors continue to co-exist in a sustainable way to achieve prosperity and sustainability in perpetuity.

Minister of Environment, Forestry and Tourism

Minister of Mines and Energy

Preface

Namibia is well known for its species richness, habitat diversity, biological distinctiveness, and as an endemism hotspot for many species of global significance, especially mammals, birds, reptiles, amphibians, invertebrates and plants. In order to protect this impressive biodiversity, the country has established a network of State-managed Protected Areas and registered communal conservancies and community forests as well as public-private partnerships with specific landowners to protect certain species of wildlife and wildlife habitats. Namibia is internationally recognized for its biodiversity conservation successes and has recently been ranked as the second most successful country in the world after Botswana in the conservation of large mammals[1].

Namibia is also well known for its mineral resources, and with the current development of four new mines, these will remain the economic backbone of Namibia for a long time. As Namibia is implementing Vision 2030, our goal is to industrialize the country, to create jobs and combat poverty, and the provision of raw materials from our mines will play an important role in this.

Potentially, protected areas can be negatively impacted by mining and other land uses. Adverse environmental impacts from mining can range from permanent landscape alteration to soil contamination and erosion, water contamination, the loss of critical habitats for sensitive plant and animal species, and ultimately, the loss and extinction of species. Because Namibia's protected areas include environmentally sensitive desert and dry land regions, where the rate of ecological recovery is extremely slow, the potential for regeneration is very low. The central challenge, therefore, is planning and managing the best suite of land uses that will allow for economic development while simultaneously ensuring that environmental health, including the conservation of biological diversity, fragile ecosystems, and landscape integrity, is

[1] Lindsey *et al.* 2017

maintained. The same considerations need to apply to other areas with high value species on land outside protected areas and environmentally sensitive areas, which in some instances are even more vulnerable than protected areas.

The scale and urgency of this matter has led Government to develop an integrated, flexible and comprehensive policy to deal with mining and prospecting in protected areas that can provide a framework for all stakeholders and can meet the country's national and international commitments to biodiversity conservation, while taking into account the rights and development needs of its people.

We now have five years of experience in implementing the 2018 National Policy on Prospecting and Mining in Protected Areas. Not all aspects of this policy could be implemented successfully and not all threats to the integrity of protected areas and biodiversity conservation have been removed. MEFT has made considerable advances with the establishment of new guidelines for protected area management plans and protected area zonation since the drafting of the 2018 Policy. New management plans for all of the land included in the protected area system in Namibia have been completed. Further, Namibia has joined the global consensus on the urgent need to halt escalating loss of biodiversity and will need to work towards meeting the targets agreed in the 2022 Kunming Montreal Global Biodiversity Framework. It has thus been necessary to review and update this policy.

This document sets out the revised Government policy on mining and prospecting in protected areas, other areas with high value species and environmentally sensitive areas. Strategies to implement the policy provide the content for this document and include areas excluded from prospecting and mining, procedures in relation to different exploration and mining tenements, change of ownership and/or change of company name, renewals and rehabilitation and restoration.

This policy has been developed by the Ministry of Mines and Energy and the Ministry of Environment, Forestry and Tourism, as well as through consultations with a broad range of stakeholders that included the private sector and government officials in various other ministries. We would like to thank all our partners and stakeholders who participated in developing this policy.

Executive Director, Ministry of Environment, Forestry and Tourism

Executive Director, Ministry of Mines and Energy

Contents

Acknowledgements ii
Executive Summary iii
Foreword iv
Preface v
Acronyms x
Glossary of terms x
1. Introduction 1
2. Background 4
3. Alignment to national and international policy and legal framework 6
3.1 Namibia's Constitution 6
3.2 International conventions and protocols 7
3.3 Minerals Policy 7
3.4 Mineral (Prospecting and Mining) Act, 1992 (Act 33 of 1992) 7
3.5 Diamond Act, 1999 (Act 13 of 1999) 7
3.6 Environmental Management Act, 2007 (Act 7 of 2007) 8
3.7 Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975) as amended and the Wildlife and Protected Areas Management Bill 8
3.8 Forest Act, 2001 (Act 12 of 2001) 8
3.9 National Heritage Act, 2004 (Act 27 of 2004) 9
4. Principles 9
5. Policy direction 10
5.1 Vision 10
5.2 Rationale 11
5.3 Mission 11
5.4 Goal 12
5.5 Objectives 12
6. Strategies 12
6.1 Areas to be excluded from prospecting and mining 12
6.2 Procedures in relation to different exploration and mining tenements 15
6.2.1 Exclusive Reconnaissance Licence/s (ERL) 15
6.2.2 Mineral Deposit Retention License/s (MDRL) 16

6.2.3 Exclusive Prospecting License (EPL) 16
6.2.4 Mining License (ML) 17
6.2.5 Mining Claim (MC) 17
6.2.6 Non-Exclusive Prospecting License (NEPL) 18
6.2.7 Environmental Clearance Certificate 18
6.2.8 Criteria to identify areas outside of protected areas that should be excluded from prospecting and mining 18
6.2.9 Instruments to be in place before an Environmental Clearance Certificate for mining in a protected area or other areas with high value species or environmentally sensitive areas is issued 20
6.2.10 Distribution of Environmental Clearance Certificate and related instruments concerning mining in a protected area, other areas with high value species and environmentally sensitive areas 21
6.3 Change of ownership and/or change of company name 21
6.4 Renewals 22
6.5 Closure and Restoration 22
6.6 Biodiversity offsetting 24
6.7 EIA and EMP reviews 25
7. Implementation arrangements and framework 25
8. Institutional Arrangements and framework 26
9. Legal and regulatory arrangements 27
10. Resource Mobilization 28
11. Monitoring and Evaluation Framework and Reporting 28
12. Advocacy and Dissemination 29
13. References 29
List of Annexes 32
ANNEX 1: Protected Areas and Tourism Concession Areas with a buffer zone of 5 kilometres excluded from exploration and mining (or as specified in park regulations) 33
ANNEX 2: Description of Protected Areas and Tourism Concession Areas to be excluded from prospecting and mining (in alphabetical order per category) 34
ANNEX 3: Protected Areas with specific zones to be excluded from Prospecting and Mining (in alphabetical order) 37
1. Bwabwata National Park 37
2. Cape Cross Nature Reserve 39
3. Fish River National Park 42

4. Khaudum National Park 46
5. Namib-Naukluft National Park 48
6. Dorob National Park 50
7. Tsau //Khaeb National Park 54
8. Skeleton Coast National Park 57
9. Zambezi State Forest 60
ANNEX 4: Protected area management zonation categories 63
1. Special Value Zone 64
2. Minimal Disturbance Zones 64
3. Wildlife Management Zones 65
4. Managed Resource Use Zones 66
5. Development and Infrastructure Zones 67
ANNEX 5: Decision Support Tool – an initial outline 69
ANNEX 6: The Environmental Assessment Process in Namibia 72
ANNEX 7: Application Procedure for prospecting/mining in protected areas, other areas with high value species and environmentally sensitive areas 73
ANNEX 8: Summary of Renewal Process 75
ANNEX 9: Permit conditions to operate in protected areas 76
ANNEX 10: Standard conditions to be attached to Environmental Clearance Certificates (ECCs) for prospecting and mining in Protected Areas, other Areas with High Value Species and Environmentally Sensitive Areas 80
ANNEX 11: National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas and other Areas with High Value Species and Environmentally Sensitive Areas (provisional) 84
ANNEX 12: Implementation Action Plan 90

Acronyms

CBD	UN Convention on Biological Diversity
COVID-19	Corona Virus Disease 19
EA	Environmental Assessment
EC	Environmental Contract
ECC	Environmental Clearance Certificate
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EPL	Exclusive Prospecting License
ERL	Exclusive Reconnaissance License
GDP	Gross Domestic Product
MC	Mining Claim, or depending on context, Mining Commissioner
MDRL	Mineral Deposit Retention License
MEAs	Multilateral Environmental Agreements
MEFT	Ministry of Environment, Forestry and Tourism
ML	Mining License
MME	Ministry of Mines and Energy
MPMRAC	Mineral Prospecting and Mining Rights Advisory Committee
NEPL	Non-Exclusive Prospecting License
NHC	National Heritage Council
UN	United Nations

Glossary of terms

For the purposes of this Policy, the words or phrases set out below have the following meanings:

Accessory works: means any building, plant or other structure required for purposes of reconnaissance operations, prospecting operations or mining operations or for the disposal of any mineral or group of minerals won or mined in the course of any such operations, or is connected with such operations or disposal, located within or outside license areas.

Areas of important heritage and scientific value: means areas such as national heritage sites including rock engravings, rock paintings, other archaeological, paleontological, historical sites, World Heritage Sites and important geological formations and palynological deposits that record the geological and climatological evolution of Namibia. For ease of reference in this Policy, these areas are included in the term areas with high value species and environmentally sensitive areas as the same provisions apply to both.

Areas with high value species: means an area outside protected areas containing important or rare biodiversity components or assemblages of species or holding important or rare biodiversity habitats or wildlife corridors.

Biodiversity offsets: means measurable conservation outcomes designed to compensate for adverse and unavoidable impacts of projects, in addition to prevention and mitigation measures already

implemented to achieve No Net Loss (NNL) and preferably a Net Gain (NG) of biodiversity when projects take place.

Communal conservancy: Communal conservancies are self-governing, democratic entities with rights over wildlife, run by their members, with fixed boundaries that are agreed with adjacent conservancies, communities and traditional authorities. Communal conservancies are registered by the Ministry of Environment, Forestry and Tourism (MEFT) in terms of Section 24 of the Nature Conservation Amendment Act, Act of 5 of 1996.

Community forest: Community forests are self-governing, democratic entities, with rights over forest resources, run by their members, with fixed boundaries that are agreed with adjacent community forests, conservancies, communities and traditional authorities. Community forests are registered by the Ministry of Environment, Forestry and Tourism (MEFT) in terms of section 15 of the Forest Act, 2001 (Act No. 12 of 2001).

Cumulative impacts: an impact that in itself is not significant but is significant when added to other impacts.

Dimension stone: Rock material occurring naturally in, on or under the earth which is capable of being cut, shaped or used in blocks, slabs, sheets and tiles for the construction or cladding of buildings, pavings, monuments and memorials.

Endemism: means an ecological classification in that it describes the range or distribution of a species, or group of species.

Endemics and near-endemics: Plant and animal species that only occur in Namibia or almost only occur in Namibia and nowhere else in the world.

Environment: the term “environment” is used in its broadest definition during an environmental assessment process. As such, it includes the biological environment, physical environment, social environment, economic environment, cultural environment, historic environment, etc.

Environmental Impact Assessment (EIA): is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human- health impacts, both beneficial and adverse.

Environmental Clearance Certificate: means an authorization for conducting a listed activity in terms of the Environmental Management Act to be undertaken subject to certain conditions.

Environmental Management Plan: means a plan submitted as part of an Environmental Impact Assessment specifying how environmental impacts can be minimized and mitigated and monitored.

Exclusive Reconnaissance License/s (ERL): is a license that generally excludes physical work on the ground but allows the licensee to undertake short periods of airborne surveys and desk top studies (six months, non-renewable). The holder of an ERL is authorized to “carry on such operations, including the erection or construction of accessory works, in a reconnaissance area as may be reasonably necessary for, or in connection with any reconnaissance operations”. This however requires the prior written permission of the Mining Commissioner.

Exclusive Prospecting License/s (EPL): is a license that confers exclusive mineral prospecting rights over land of up to 1,000 km^2 in size for an initial period of three years, renewable twice for a maximum of two years at a time. The MPMRC considers the application, which usually includes a feasibility study, financial statements and other safeguards, and makes its recommendation to the Minister of Mines and Energy, who either grants or refuses the application. In accordance with the Minerals (Prospecting and Mining) Act, 1992 renewals require a reduction in size of the original EPL on each renewal.

Holder: The person or entity to whom any licence or authorization has been issued.

Impacts: refers to positive or negative effects of a specific project or projects.

Landholder: means for the purpose of this Policy the owners or legal occupiers of land in areas with high value species or environmentally sensitive areas, including communal conservancy and community forest management committees and members, freehold landowners, Traditional Authorities, lessees of other State Land.

Mineral: means any substance, whether in solid, liquid or gaseous form, occurring naturally in, on or under any land and having been formed by, or subjected to, a geological process.

Mining Claim/s (MC): is a claim that provide mineral rights to small-scale operators and individuals. A claim must be registered with the Mining Commissioner against payment of a fee. A maximum of ten claims may be held for a three-year period and are renewable if prospecting results in mining after six months. Mining claims have minimal restrictions.

Mineral Deposit Retention License/s (MDRL): is a license that allows a prospector to retain a mineral deposit, which cannot, for economic or technical reasons, be exploited at the time. Once technological or economic improvements are realized and the deposit becomes an economically feasible proposition, the licensee is obliged to either relinquish his/her rights or apply for a Mining License. Under the authority of the MDRL the License Holder is entitled to carry on investigations and operations, including the erection or construction of accessory works, in such retention area as may be reasonably necessary for, or in connection with any future mining operations or any prospecting operations in order to determine from time to time the prospects of mining any mineral or group of minerals on a profitable basis. However, the holder of a MDRL shall not erect or construct any accessory works without the prior written permission of the Mining Commissioner.

Mining License/s (ML): is a license that allows a company or individual the exclusive right to mine an area for a maximum initial period of 25 years or life-of-mine (renewable for a maximum period of 15 years at a time). The MPMRAC considers the application, which usually includes a feasibility study, EIA, financial statements and other safeguards, and makes its recommendation to the Minister of Mines and Energy, who either grants or refuses the application.

Non-Exclusive Prospecting License/s (NEPL): is a license that must be registered with the Mining Commissioner against payment of a fee and is only valid for a period of twelve months. A non-exclusive prospecting license allows a person or company to prospect anywhere in the country (excluding protected areas).

Proponent: is any individual, organ of State, authority, mining company, industry or association putting forward a proposal for a proposed development. In the mining industry, “proponent” would refer to the mining company proposing to embark on for example mineral exploration, an expansion to an existing mine or minerals processing facility, a proposed new mine or minerals processing facility, or closure of a mine.

Protected Area: refers to a protected area that is proclaimed in the Government Gazette as a national park, game park or recreational area according to Section 14 of the Nature Conservation Ordinance, Ordinance 4 of 1975, as amended. The term protected areas as used in the Policy includes State Forest Reserves or State Forests.

Residual impacts: impacts from exploration or mining that cannot be rehabilitated.

Stakeholders: include businesses, government, civil society, landowners and lessees of State land, communal area residents and traditional authorities.

State Forest or State Forest Reserve: refers to a protected area that is proclaimed in the Government Gazette as a State Forest according to Section 13 of the Forest Act, Act 12 of 2001.

1. Introduction

Namibia's State Protected Areas covered some 17% of the total landmass in 2017 compared to 13% at Independence in 1990. The rapid growth in communal conservancies, community forests, game farms and tourism concessions has increased the land under some form of conservation to 44% of the country land surface. In addition, Namibia's first Marine Protected Area was proclaimed in 2009 and the first three State Forests were proclaimed in 2022 and 2023.

Protected areas are essential for biodiversity and ecosystem services conservation. They are the cornerstones of virtually all national and international conservation strategies. They are areas set aside to maintain functioning natural ecosystems, to act as refugia for species and to maintain ecological processes that cannot survive in most intensely managed landscapes and seascapes. This rich biodiversity and ecological infrastructure underpin and support our social and economic development in numerous direct and indirect ways.

The world is experiencing greatly accelerated loss of biodiversity. This has led to the adoption of important international instruments by global consensus that recognize the responsibility of each nation to contribute to preventing further loss of biodiversity. These are e.g., the United Nations Sustainable Development Goals and in particular:

- Goal 15 of the UN Sustainable Development Goals "Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss",
- Strategic Goal C of the Convention on Biological Diversity "To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity" and Aichi Targets 11 and 12, as well as the 2022 Kunming-Montreal Global Biodiversity Framework and its:
    - Goal A "The integrity, connectivity and resilience of all ecosystems are maintained, enhanced, or restored, substantially increasing the area of natural ecosystems by 2050; Human induced extinction of known threatened species is halted, and, by 2050, extinction rate and risk of all species are reduced tenfold, and the abundance of native wild species is increased to healthy and resilient levels…" and
    - Target 3 "Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories".

Namibia's protected areas contribute significantly to the national economy, primarily in that they underpin a large portion of the national tourism industry, which is one of the country's three biggest contributors to national income and one of the fastest growing sectors. Tourism is an important sector in generating foreign earnings, employment creation and economic growth. The sector is now the third largest contributor to the country's Gross Domestic Product (GDP) and is therefore a strategic sector with further promise for growth and job creation. Tourism development directly improves the well-being of local communities by stimulating investment in infrastructure, regional development, environmental protection and income generation. Visitor numbers to Namibia have increased considerably over the years from about 250,000 visitors in 1992 to over one million visitors since 2011. Tourism declined during the COVID-19 pandemic but is expected to recover fully within a few years. Importantly, tourism can be an entirely sustainable form of land use in protected areas if tourism development is carefully planned, managed and monitored.

Namibia's protected areas also generate other important but less well-known benefits to society. The protected area system is a massive net Carbon sink and contributes to the achievement of Namibia's international commitments (Nationally Determined Contributions) under the Paris Agreement of the UN Framework Convention on Climate Change. Protected areas also act as recharge areas for underground water resources and export vast quantities of plant material and nutrients but especially grass seeds to often denuded neighbouring land. Protected areas further hold important cultural significance by safeguarding some of Namibia's most important cultural and historical assets in the form of archaeological and paleontological sites and some of its most unique national heritage sites and World Heritage Sites. At local level, protected areas also provide important benefits to traditional authorities for the holding of traditional events and also support communities affected by national disasters such as drought. Importantly, protected areas are also the source of wildlife that populate communal conservancies and tourism and hunting operations in such conservancies which generate substantial employment and revenue to at least half a million rural Namibians.

Important components of Namibia's rich biodiversity and sensitive habitats occur outside the protected area system on communal land, State land and freehold land. The terms "critical biodiversity areas", "biodiversity priority areas", "conservancies", "migratory corridors", "areas with high species endemism", "unique and/or protected habitats, caves and sinkholes", "inland wetlands (perennial and ephemeral)", "certain mountains and inselbergs with high biodiversity" and "World Heritage Sites" already appeared in the 2018 Policy as areas to be excluded from prospecting and mining and in other contexts. In this revised Policy, provisions concerning such areas are strengthened and expanded. The use of the term Areas with High Value Species is used as a general term for such areas in this Policy to complement the concept of Protected Areas which are legally proclaimed areas managed by MEFT for the long-term conservation of biodiversity and related purposes.

Although it is ultimately important to ensure that representative parts of all of Namibia's biodiversity and ecosystems are represented in the national State-managed protected areas system for protection in perpetuity, it is also impractical to include all important biodiversity areas in the protected areas system. To counter this impracticality, MEFT has actively promoted the development of the communal conservancy and community forests systems as part of its national community-based natural resource management programme. Communal conservancies currently hold important wildlife populations and habitats such as the black rhinoceros, elephant and lion, the only country where all three of these species occur outside protected areas. Community forests hold important populations of protected and other tree and plant species and other wildlife. Similarly, freehold land holds important species of wildlife including black and white rhinoceros but also e.g. leopard, cheetah, dik-dik, brown hyaena and the near endemic

black-faced impala and also many endemic plant species. Several plant endemics only occur on private land in small and isolated populations.

Important wildlife habitats and movement corridors with their own unique assemblages of species also occur only or primarily outside protected areas on communal land and freehold land e.g., the karstveld mountains and ridges, subterranean caves and lakes, certain ephemeral wetlands, the central and southern Namib wildlife dispersal area between the Namib-Naukluft NP and the western escarpment and the Kalahari dune system. These species and habitats warrant strong national protection in collaboration with the relevant landholders. This applies in particular to communal conservancies or community forests, sites on other State land and specific freehold land units including game farms holding important populations of endangered species, wildlife habitat and wildlife corridors or migratory routes and especially where these landholders have entered into long term cooperation programmes with MEFT concerning a specific biodiversity conservation programme or need such as the black rhino custodianship scheme. Importantly, unique and often very small wildlife habitats such as caves, wetlands, springs, cliffs, quartz outcrops occur on ordinary farmland as well, holding endemic and endangered species, which are currently not adequately protected.

Exclusion of such areas with high value species from prospecting or mining does not have to apply to e.g. all communal conservancies, community forests or all game farms. The relative contribution of such entities to conservation of high value species is important in making such a determination. Exclusion from prospecting or mining also does not have to imply to all parts of communal conservancies or community forests or game farms or entire ordinary farms, the most important criterion is to focus on those that have entered into long term cooperation programmes with MEFT concerning a specific biodiversity conservation programme or need and those that play an irreplaceable role in wildlife conservation e.g. regarding isolated populations of rare or endemic species, wildlife corridors or unique assemblages of species not represented in State protected areas. Exclusion in some instances also needs not be permanent and may need to apply only for as long as agreements remain in place and the specific biodiversity conservation programme or need is necessary.

Namibia has other areas that are environmentally sensitive that should not be mined, and while there is potentially overlap with areas relating to biodiversity or wildlife habitats, these environmentally sensitive areas include e.g. wetlands, rivers, floodplains, riverine forests and woodlands, springs, pans, caves, underground lakes, aquifers, sediments holding palynological records, strata holding fossils etc. Such areas should not be disturbed or altered through prospecting or mining.

The mining industry plays a vital role in the growth and development of Namibia and its economy. Mining has been the biggest contributor to GDP after government services since the earliest discoveries of minerals in Namibia. The mining industry contributes to job creation, economic development, foreign currency earnings and building relations with international trading partners. Some forms of mining which is otherwise a non-renewable extractive industry can be sustainable and renewable such as salt mining.

As in many other countries, there is a major overlap in the location of rare species, critical biodiversity areas and the presence of minerals in Namibia. The potential negative impacts of exploration and mining activities can be devastating in these areas. Landscape alteration, soil and water contamination and the loss of critical habitats can lead to the loss of important and endemic plant and animal species, which can compromise ecosystems and reduce tourism potential. Inadequate rehabilitation of prospecting and mining sites in protected areas significantly damages the sense-of-place and attractiveness of protected area landscapes and forfeit other values and uses of such landscapes. If not eliminated or mitigated,

these impacts pose serious risks to other economic activities, livelihoods and the functioning of ecosystems and the viability of the biodiversity of Namibia.

This Policy provides direction in terms of where mining and exploration related impacts are legally prohibited and where biodiversity priority areas, and from here on referred to as Areas with High Value Species, may present high risks for mining projects. The Policy also highlights issues that were not covered in the 2018 Policy that would strengthen the avoidance of conflict between protected area objectives and management and prospecting and mining activities and situations where key biodiversity elements and wildlife habitats occurring outside protected areas need additional safeguarding. Therefore, the Policy provides a framework for integrating relevant biodiversity information into decision making about exploration and mining options and how best to avoid, minimise or remedy biodiversity impacts caused by mining, and in so doing support sustainable development. With the primary purpose of improving consistency in decision making in dealing with biodiversity aspects, the Policy provides a framework to decision makers and regulators in implementing and enforcing the law, and assists companies in complying with the law, implementing good practise and reducing business risk.

A mineral rich and biodiverse country like Namibia requires interactions between the mining and the environment sectors to achieve prosperity and sustainable development. This Policy will help to ensure that mineral resource development takes place in a way that supports an optimal sustainable growth path for Namibia.

2. Background

Sustainable development is enshrined in Namibia's Constitution and is the basis for the country's development pathway which includes Vision 2030 and National Development Plans. Therefore, in light of the country's mineral wealth and rich biodiversity it is important to ensure that biodiversity and life supporting ecological processes are not compromised and neither is its ability to derive sustainable growth and development from its incredible mineral wealth.

An integrated approach to development based upon the precautionary principle is therefore essential if Namibia is to maintain the health of its natural ecosystems that underpin biodiversity and ecosystem service delivery. To date, the Namibian government has taken various initiatives and actions (many of them since the formulation of the 2018 Policy) in an effort to address this challenge, with an emphasis on:

- Establishing new guidelines for protected area management plans and protected area zonation, new management plans for all protected areas, mapping of important wildlife corridors and migratory routes, and mapping sensitive areas rich in biodiversity and important for ecosystem functioning, areas with high tourism potential as well as occurrences of historical, archaeological and paleontological sites in protected areas for management purposes.

- Integrated Regional Land Use Plans that amongst others show areas with high value species (communal conservancies, community forests and wildlife corridors) and long-term land use and infrastructure development.

- The use of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) as tools to help guide development decision-making, as well as the wider enforcement of the Environmental Management Act, 2007 (Act 7 of 2007).

- In recognition that Namibia's system of protected areas cannot alone ensure the protection of all biodiversity and ecosystems and that such protection is not only the responsibility of Government but indeed the responsibility of all Namibians:
    - The establishment of one of the largest and most successful community-based natural resource management programmes in the world by granting rights over wildlife on communal land to registered communal conservancies and community forests that are democratically established and managed, to both enhance biodiversity conservation and create opportunities for economic development through tourism, hunting and resource use.

    - Providing an extensive legal framework for the ownership, management and utilization of wildlife on private land in the commercial farming area to contribute to biodiversity conservation, diversify economic activities on farmland and take advantage of the inherent adaptiveness of indigenous wildlife to arid conditions in the face of increasing environmental variability due to climate change.

    - Entering into legal agreements with communal conservancies and private landowners concerning the protection of some of Namibia's most endangered species such as the black rhinoceros through custodianship schemes as a public-private joint venture biodiversity conservation programme.

.

    - Identifying critical wildlife movement corridors and migratory routes and appropriate management measures to safeguard such areas in response to decisions of the 2nd Land Conference.

- MEFT and MME have endorsed the 2019 Best Practice Guide on Environmental Principles for Mining in Namibia, developed as a collaborative effort of Government, the mining industry and civil society.

- Namibia's Second National Biodiversity Strategy and Action Plan 2013-2022 (NBSAP2) which *inter alia* seeks to:
    - reduce the direct pressures on biodiversity and promote the sustainable use of biological resources, and
    - improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity.

- Joining international consensus on the urgent need to halt escalating biodiversity loss by adopting the target of protecting 30% or the world's land and sea areas by 2030 reflected in the 2022 Kunming-Montreal agreement on the Global Biodiversity Framework which extends this "30 by 30" target to national level and includes both State Protected Areas and Other area-based Effective Conservation Measures (such as communal conservancies, community forests, private land).

These various initiatives have made important contributions towards improved protected area management, land use planning and biodiversity conservation, yet there is still an urgent need for addressing the impacts of exploration and mining in protected areas, other areas with high value species and environmentally sensitive areas to support decision-makers in identifying potential conflicts between

areas that are ecologically, culturally and environmentally sensitive and that could be irreversibly impacted by exploration and mining activities.

Therefore, there is a need for joint planning and communication across government and the private sector to cultivate and nurture important partnerships for coordinated development that includes environmental protection and sustainable mining. The country needs to ensure that the impacts of mining and exploration do not undermine the biodiversity, character, ecological integrity, ecosystem functioning, cultural heritage and tourism potential, as well as the capacity of the land to support sustainable natural resource use.

This Policy provides guidance on areas where mining and exploration activities pose the highest risk and where biodiversity considerations may result in limitations being imposed on mining. Furthermore, the Policy provides guidance and tools for rehabilitation and restoration of impacted areas. Therefore, the Policy provides a framework to understand how the sustainable development of Namibia's mineral resources can take place in a way that minimises the impact on the country's biodiversity and ecosystem services.

3. Alignment to national and international policy and legal framework

3.1 Namibia's Constitution

The Namibian Constitution lays the foundation for all policies and legislation in Namibia and contains three key clauses relevant to the sustainable use of natural resources that applies to this Policy.

- Article 100 of the Constitution vests all natural resources in the State, unless otherwise legally owned. Thus, unless legal ownership to natural resources in a specific locality is proven, such natural resources are owned by the State; and the provision implies that natural resources can be legally owned as private property.

- Article 95 (l) stipulates that the State shall actively promote and maintain the welfare of the people by adopting policies which include the: "maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefits of all Namibians". With this particular Article, Namibia is obliged to protect its environment and to promote the sustainable use of its natural resources.

- Article 91(c) stipulates that one of the functions of the Ombudsman is "the duty to investigate complaints concerning the over utilization of living natural resources, the irrational exploitation of non-renewable resources, the degradation and destruction of ecosystems and failure to protect the beauty and character of Namibia."

- Article 144 stipulates that unless otherwise provided in the Constitution or by Act of Parliament, "the general rules of public international law and international agreements binding upon Namibia under the Constitution shall from part of the law of Namibia."

3.2 International conventions and protocols

Namibia is signatory to international conventions and protocols including the Ramsar Convention on Wetlands, the United Nations Convention on Biological Diversity, the United Nations Convention to Combat Desertification, the Basel Convention on the Control of Trans-boundary Movement of Hazardous Wastes and their Disposal, the Kunming-Montreal Agreement on the Global Biodiversity Framework and several other conventions and agreements that bind Namibia to sustainable utilization of its natural resources and development of policies that support sustainable development.

The Ministry of Environment, Forestry and Tourism is responsible for the implementation of these conventions and agreements. As part of its commitments, some effort has been made to mainstream biodiversity. Two of Namibia's macro-economic policies and plans, Vision 2030 and the sequential five-year National Development Plans (currently NDP 5, extended until 2025-26) are premised on the principle that development should take place within the context of sustainable utilization of the natural resource base, rather than to the detriment of it. It is also well recognized in Namibia that effective biodiversity conservation has much potential to drive efforts to combat other challenges facing society and rural people in particular such as climate change, desertification and the degradation of land due to alien invasive species.

3.3 Minerals Policy

The Minerals Policy of Namibia states that the Government will ensure that the development of the Namibian mining sector is environmentally acceptable and includes consideration of the health and safety of people. The Policy makes a firm commitment that the government will ensure that exploration and mining within protected areas complies with the environmental and economic regulatory framework.

3.4 Mineral (Prospecting and Mining) Act, 1992 (Act 33 of 1992)

Mineral exploration and mining operations in Namibia is regulated under the Minerals (Prospecting and Mining) Act, Act 33 of 1992 through the granting of non-exclusive prospecting licences, mining claims, exclusive reconnaissance licences, exclusive prospecting licences, mineral deposit retention licences and mining licences. The Act makes provisions for environmental protection by ensuring that EIAs are undertaken for all exploration and mining projects. The Act also empowers the Minister of Mines and Energy (MME) to exclude any areas from prospecting and mining activities.

3.5 Diamond Act, 1999 (Act 13 of 1999)

While the process of exploration and mining for diamonds falls under the Minerals (Prospecting and Mining) Act, Act 33 of 1992, the Diamond Act, Act 13 of 1999 controls all aspects of processing, sale and security of any diamonds recovered during exploration and mining. Under the Act all diamond exploration and mining areas, whether on land or at sea, are declared restricted zones. The Act makes provision to allow officials from other ministries access to these restricted areas.

3.6 Environmental Management Act, 2007 (Act 7 of 2007)

This Act lists a set of environmental principles to be followed by government institutions and the private sector and lays out the requirements and procedures for EIAs. New development activities in the category of listed activities (amended by Government Notice No. 29 of 2012) are required to undertake EIAs (which includes e.g. energy transmission, tourism, mining, quarrying, water abstraction, waste management, hazardous substances and infrastructure). The Act makes provision for the issuance of Environmental Clearance Certificates subject to certain conditions and the amendment or cancellation thereof.

The Ministry of Environment, Forestry and Tourism is in the process of amending the Environmental Management Act to enhance protection of environmentally sensitive areas.

3.7 Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975) as amended and the Wildlife and Protected Areas Management Bill

National Parks are established and proclaimed in accordance with the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975), as amended. The Ordinance provides a legal framework with regards to the permission for entering a state protected area, as well as requirements for individuals damaging objects (geological, ethnological, archaeological and historical) within a protected area. Though the Ordinance does not specifically refer to mining as an activity within a protected area or recreational area, it does restrict access to protected areas and prohibits certain acts therein as well as the purposes for which permission to enter game parks and nature reserves may be granted.

The Ordinance further provides a comprehensive framework for the ownership, management and utilization of wildlife on freehold land and State land and the Nature Conservation Amendment Act transfers rights of utilization of wildlife on communal lands to registered communal conservancies.

The Wildlife and Protected Areas Management Bill that will repeal the Ordinance once enacted, provides for principles of conservation, a comprehensive new framework for establishing, classifying and managing protected areas as well as prospecting and mining in protected areas. Provisions on prospecting and mining include the powers of the Minister to exclude certain areas in protected areas from prospecting and mining, the requirement for an EIA and environmental management plan, and prescribing biodiversity offset initiatives for residual impacts.

3.8 Forest Act, 2001 (Act 12 of 2001)

Community forests and state forests or state forest reserves are established and proclaimed in accordance with the Forest Act, Act 12 of 2001. The purpose for which forest resources are managed and developed, including the planting of trees where necessary, in Namibia is to conserve soil and water resources, maintain biological diversity and to use forest produce in a way which is compatible with the forest's primary role as the protector and enhancer of the natural environment.

The Act confers to community forests the rights, subject to the management plan, to manage and use forest produce and other natural resources of the forest, to graze animals and to authorise others to

exercise those rights and to collect and retain fees and impose conditions for the use of the forest produce or natural resources.

The Ministry of Environment, Forestry and Tourism is in the process of amending the Forest Act.

3.9 National Heritage Act, 2004 (Act 27 of 2004)

The National Heritage Act provides for the protection and conservation of places and objects of heritage significance and the registration of such places and objects and the establishment of the National Heritage Council. The Act in addition to registered National Heritage Sites automatically protects all archaeological sites, defined as any remains of human habitation or occupation that are 50 or more years old found on or beneath the surface on land or in the sea and rock art, being any form of painting, engraving or other representation on a fixed rock surface or loose rock or stone which is 50 or more years old as well as palaeontological sites, meteorites, historic shipwrecks and shipwreck objects.

4. Principles

The policy of the Government of the Republic of Namibia on mining and prospecting in protected areas, other areas with high value species and environmentally sensitive areas is to ensure that exploration and mining within such areas are undertaken within the environmental and economic regulatory framework that exists and that mineral development only commences in these areas once the impacts have been assessed. The Policy is also aimed at establishing “no go areas” where exploration and mining will not be permitted due to high biodiversity conservation and/or aesthetic and tourism value, based upon the best available information.

The Policy is based on the following fundamental principles:

4.1 Protected areas are the cornerstone of Namibia’s conservation programme and will continue to play an important role in the conservation of ecosystems, essential ecological processes and biological diversity.

4.2 Protected areas also have the potential to provide important sustainable and renewable economic benefits, locally, regionally and nationally.

4.3 Areas with high value species in communal conservancies, community forests, other State land and freehold land play important complementary biodiversity conservation and ecosystem protection roles and support economic diversification and employment creation in rural areas.

4.4 Prospecting for and mining of minerals will be considered in protected areas, provided that such development is in the national interest and in accordance with the appropriate legislation and that the environmental requirements are adhered to, and that strong safeguards are in place to mitigate and offset mining impacts and achieve optimal rehabilitation and/or in some instances repurposing.

4.5 Mining will only be allowed in a protected area or areas with high value species or environmentally sensitive areas if mining includes a concurrent and progressive process of rehabilitation of disturbed areas that cannot be fully rehabilitated; when financial securities for rehabilitation and mine closure (see section 6.5) are in place; and if the mining license holder commits to a full and externally audited and supervised offset of any residual impacts that cannot be rehabilitated (see section 6.6).

4.6 This Policy fully recognizes the importance of mining to the national economy. MEFT and MME consider that this Policy and other instruments such as the 2019 Best Practice Guide - Environmental Principles for Mining in Namibia that both ministries endorsed, and other measures are taken as described in this Policy, ensures that the integrity of protected areas, other areas with high value species and environmentally sensitive areas are not negatively affected by prospecting and mining.

4.7 Dimension stone mining which fundamentally degrades landscape features and cannot be rehabilitated, will not be allowed in protected areas or areas with high value species, or environmentally sensitive areas, especially areas with high levels of endemism and thus high importance to biodiversity such as inselbergs, or tourism such as Namibia's outstanding and irreplaceable scenic landscapes.

4.8 MEFT and MME will cooperate to put a functional system in place to secure financing for mine closure and rehabilitation. Prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas should only be authorized if rehabilitation is guaranteed and residual impacts that cannot be rehabilitated is appropriately offset.

4.9 Abandoned mines in protected areas indicate historical failure of regulation and policy that must be avoided at all costs from happening again in Namibia. Rehabilitation of abandoned mines in protected areas, other areas with high value species and environmentally sensitive areas must be a priority for MEFT, MME and the mining industry.

4.10 The harvesting of guano in terrestrial protected areas is not considered as mining and guano is not a mineral as defined and is thus excluded from this Policy and should henceforth be regulated by MEFT in terms of its laws and policies.

5. Policy direction

5.1 Vision

To promote the sustainable development of Namibia by guiding prospecting and mining in the country's Protected Areas, Areas with High Value Species and Environmentally Sensitive Areas to ensure sustainable exploration and mining, while conserving biodiversity and maintaining healthy ecosystems.

5.2 Rationale

Mining has been the biggest contributor to Gross Domestic Product (GDP) after government services since the earliest discoveries of minerals in Namibia. Mining continues to be the most significant sector of the economy providing jobs, growing the GDP and building relations with Investors and international trade partners.

Mining is nevertheless an extractive practice that is not sustainable (except some salt mining) that has the potential of significantly degrading the unspoilt landscapes that Namibians and foreign tourists expect to see in the country's national parks and nature reserves, and the diverse wildlife habitats and biodiversity within them, and the same applies to other areas with high value species. While the economic necessity of mining in protected areas or other areas with high value species is real, mining in sensitive wildlife habitats should be avoided as much as possible and only authorized when it is clearly in the national interest. Of concern is that irreplaceable and non-renewable mineral resources in some of the country's most sensitive and equally irreplaceable protected areas may not create long-term economic welfare, especially for future generations, as long as Namibia remains an exporter of raw materials and fails to industrialize using these raw materials as inputs into secondary industries.

At the same time, Namibia's protected areas contribute significantly to the national economy. They underpin much of the national tourism industry and have been estimated to contribute some 4% of Namibia's Gross National Income. Namibia's state protected area covered some 17% of the total landmass in 2017. Communal conservancies, community forests, game farms and tourism concessions have increased the land under conservation to 44% of the country's land surface. In addition, Namibia's first Marine Protected Area was gazetted in 2009 and the first three State Forests in 2022 and 2023.

While a number of strategies are being employed to address exploration and mining activities in protected areas, it is essential that strong policy frameworks and tools be developed to improve decision making and provide protection for biodiversity, ecosystem services and cultural heritage from development impacts.

Risks of negative impacts through prospecting and mining on biodiversity, habitats and ecosystems can be effectively mitigated by ensuring that strong safeguards are in place.

The Policy is aimed at providing a basis for guidance and decision making on exploration and mining activities in protected areas, other areas with high value species and environmentally sensitive areas by identifying ecologically, environmentally and culturally sensitive areas to enable more sustainable development planning and management while providing strategies on process and restoration of impacted areas.

5.3 Mission

To guide prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas that support important ecosystem processes and economic growth, whilst avoiding areas that are highly sensitive because of their ecological, environmental, social and cultural heritage values.

5.4 Goal

To provide a framework for decision making on issuance of exploration and mining licenses in protected areas, other areas with high value species and environmentally sensitive areas, including strategies and guidance on procedures in relation to different exploration and mining license areas (tenements).

5.5 Objectives

i. To ensure that prospecting and mining activities do not cause any negative impacts to the biodiversity, ecology, aesthetic values and the tourism potential of protected areas and other areas with high value species holding key populations of endangered species of wildlife and important wildlife habitats.
ii. To identify protected areas, areas in protected areas and other areas with high value species that should not be exposed to prospecting or mining activities, due to their high conservation, aesthetic and tourism value.
iii. To identify environmentally sensitive areas that should not be exposed to prospecting or mining activities, due to their high environmental and ecosystem values.
iv. To provide clarity on the types of exploration and mining licences that may be granted in protected areas, other areas with high value species and environmentally sensitive areas.
v. To facilitate the sustainable development of mineral resources in protected areas, other areas with high value species and environmentally sensitive areas while minimising the impacts on biodiversity, ecosystem services and aesthetic and environmental values.
vi. To expand the provisions of this policy to include areas of high conservation importance, areas of exceptional aesthetic beauty or tourism value outside of protected areas, either on State land, communal conservancies, community forests or freehold land should there be a risk to special or rare wildlife habitats, exceptional biodiversity or endemism, either mammal, bird, plant, reptile or invertebrate, which is either high value, restricted in range or has a high-risk conservation status or any combination of these factors.
vii. To expand the provisions of this policy to include environmentally sensitive areas.

6. Strategies

In order to implement the policy on prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas, a number of linked and integrated strategies are required. The following are the strategies aimed at achieving the aim and objectives of the Policy:

6.1 Areas to be excluded from prospecting and mining

The specific objective of this strategy is to determine the characteristics and criteria for exclusion of protected areas or areas within protected areas as well as other areas with high value species and environmentally sensitive areas from prospecting and mining.

Strategic approach

Protected areas or areas within protected areas and other areas with high value species or environmentally sensitive areas that have the following characteristics will be excluded from prospecting and mining:

- **Special value and minimum disturbance (buffer) management zones of Protected Areas**, where the zonation is determined by the presence of endangered, rare, or threatened species, important biodiversity assemblages including endemic species, areas of endemism and biodiversity hotspots, important and irreplaceable wildlife habitat including breeding areas, wildlife corridors and migratory routes, perennial or ephemeral rivers, springs, wetlands, estuaries and river mouths including Ramsar Convention on Wetlands sites, certain mountains and inselbergs with high biodiversity, national heritage sites including shipwrecks, rock engravings, rock paintings, other archaeological, paleontological, historical sites, World Heritage Sites and important geological formations and palynological deposits that record the geological and climatological evolution of Namibia. In some instances wildlife management zones should also be excluded where they form part of important wildlife movement corridors e.g. in Bwabwata NP, Mudumu NP and the Zambezi State Forest. Areas where indigenous people live in the Bwabwata NP and Namib-Naukluft National Parks, zoned as Managed Resource Use Areas, should also be excluded to protect the cultural traditions and livelihoods dependent on the natural resources of such areas.

  Rights acquired before the approval of management zonation or changes to management zonation of protected areas to explore and mine as appropriate will be observed but no new exploration should thereafter be considered for special value and minimum disturbance zones. Acquired rights to mine will be reflected by the designation of mining license areas as Managed Resource Use zones. Exploration that commenced before the change in management zonation is not affected, but no change will be made to any category of management zonation to Managed Resource Use areas until the time that a mining license is granted. There is no impact on the transitioning from exploration authorized before management zonation was approved to mining.

- **Areas with high value species**: These are areas that are important for conserving biodiversity and play an important role in the protection of biodiversity, wildlife habitat, environmental sustainability, and human wellbeing. Areas in this category include areas with endangered, rare, or threatened species, important biodiversity assemblages including endemic species, areas of endemism and biodiversity hotspots, important and irreplaceable wildlife habitat including breeding areas, wildlife corridors and migratory routes, perennial or ephemeral rivers, springs, wetlands, estuaries and river mouths including Ramsar Convention on Wetlands sites, Areas where indigenous people live in areas with high value species should also be excluded to protect the cultural traditions and livelihoods dependent on the natural resources of such areas.

- **Areas of important heritage and scientific value**: These are areas such as national heritage sites including rock engravings, rock paintings, other archaeological, paleontological, historical sites, World Heritage Sites and important geological formations and palynological deposits that record the geological and climatological evolution of Namibia.

- **High value tourism areas**: These are areas recognized as tourism hotspots based on current visitor numbers or areas zoned and demarcated in protected area tourism plans as having high potential for tourism as approved by the Ministry of Environment, Forestry and Tourism, if it can be shown that the economic benefit from tourism outweighs the economic benefit from mining in the long term. Such areas also occur in other areas with high value species, notably

communal conservancies where tourism enterprises or operations provide essential employment and economic benefits to conservancy members and residents.

- **Known breeding areas of certain species, including marine species and their haul out areas**: These are areas recognized as such based on scientific evidence and long-term monitoring data of specific breeding areas and haul out areas. This criterion will apply to breeding areas and haul out areas of known rare and endemic species as well as range-restricted species. These include the remaining undisturbed salt pans in protected areas which are important breeding sites for rare and endangered seabirds.

- **Important wetland areas**: These include flowing or lotic systems such as rivers and their floodplains and estuaries, including river mouths and freshwater lagoons and springs as well as lentic systems such as ephemeral wetlands, pans, seasonal rivers and springs that are recognized as important biodiversity or tourism areas, based on the best available information. This includes wetlands of international importance as registered through the Ramsar Convention, as well as the remaining undisturbed salt pans in protected areas which are important breeding sites for rare and endangered seabirds.

- **Areas with existing economic activities that would be compromised by prospecting and/or mining**: These areas will be determined by the extent of the economic activities in terms of investment, contribution to the economy, employment as well as poverty alleviation.

- **Areas with the potential to be developed into economically viable tourist or other compatible operations**: These are areas zoned as such by tourism and management plans of protected areas as approved by the Ministry of Environment, Forestry and Tourism, if it can be shown that the economic benefit from tourism outweighs the economic benefit from mining.

- **Sites of high and/or unique cultural, historic and/or archaeological value**: These are areas zoned as such through appropriate culture or heritage legislation or international agreements including national heritage sites such as shipwrecks, rock engravings, rock paintings, other archaeological, paleontological, historical sites, World Heritage Sites and important geological formations and palynological deposits that record the geological and climatological evolution of Namibia.

- **A buffer zone of 5 km around excluded protected areas or as specified in protected area regulations**: This serves to prevent impacts from nearby prospecting and mining on protected areas.

- **Sites within 2 km or as specified in management plans of protected area and tourism infrastructure in protected areas**: This serves to prevent impacts from nearby prospecting and mining on protected area and tourism infrastructure in protected areas.

- **A buffer zone of 1 km around archaeological sites and 500 m around graves**: This serves to prevent impacts from nearby prospecting and mining on archaeological sites.

- **Environmentally sensitive sites**: These are sites defined as environmentally sensitive or meeting criteria established by the Environmental Commissioner for environmentally sensitive sites.

- **Withdrawn areas**: Areas that have already been withdrawn from prospecting and mining on the Namibia Mines and Energy Cadastre of the MME.

Annex 1 provides a map of the protected areas and tourism concession areas to be excluded from prospecting and mining. Annex 2 provides a description and rationale for the exclusion of these protected areas and tourism concession areas in Annex 1. Annex 3 provides protected areas with specific zones to be excluded from prospecting and mining. Annex 4 explains the new zonation guidelines for protected areas used by MEFT.

A **Decision Support Tool** will be used to create a mechanism for identifying and classifying areas both in and outside protected areas and other areas with high value species and environmentally sensitive areas according to their sensitivity. This Tool will assist the Mineral License Advisory Committee (MLAC) to determine whether exploration and mining should be allowed in a given area, based on the best available information. An outline of a Decision Support Tool is described in Annex 5, allowing future improvements as more information becomes available.

6.2 Procedures in relation to different exploration and mining tenements

The specific objectives of this strategy are:

- To determine the procedures for granting of different exploration and mining licenses.
- To set out requirements and conditions for issuance of licenses for different applications.

Strategic approach

6.2.1 Exclusive Reconnaissance Licence/s (ERL)

Granting of ERL(s) may be permitted in all protected areas and other areas with high value species except in a) 'no go areas' or areas where no prospecting or mining is allowed; b) protected areas and other areas with high value species entirely excluded from prospecting and mining (as per Annex 1 for protected areas) or c) environmentally sensitive areas. Applications must be submitted to the Mining Commissioner in the Ministry of Mines and Energy who will refer such applications to the Minerals Licence Advisory Committee (MLAC). In considering such applications, the MLAC assesses the applicant's financial resources, technical expertise and proven track record of mineral exploration and development. The proposed prospecting or mining programme, schedule and budget, and its suitability to the geology, geomorphology and ecology of the area under evaluation is critically reviewed.

The conditions vary according to the circumstances, but generally most of the work will be airborne for an ERL. Any on-the-ground work in protected areas, other areas with high value species and environmentally sensitive areas must be minimized and will be strictly controlled. Should the ERL be granted, an agreement with MEFT or MEFT on behalf of the landholders of other areas with high value species or environmentally sensitive areas specifying all conditions, (including an EIA and/or EMP if necessary and Environmental Clearance Certificate) will be finalized before any work commences.

6.2.2 Mineral Deposit Retention License/s (MDRL)

Granting of MDRL(s) will be permitted in all protected areas and other areas with high value species except in a) 'no go areas' or areas where no prospecting or mining is allowed; and b) protected areas and other areas with high value species entirely excluded from prospecting and mining (as per Annex 1 for protected areas). Applications must be submitted to the Mining Commissioner who will refer such applications to the MLAC. In considering such applications, the MLAC assesses the applicant's reasons. Should the MDRL be granted, an agreement with the MEFT specifying all conditions, (including an EIA and/or EMP if necessary and Environmental Clearance Certificate) will be finalized.

6.2.3 Exclusive Prospecting License (EPL)

Granting of EPL(s) will be permitted in all protected areas and other areas with high value species except in a) 'no go areas' or areas where no prospecting or mining is allowed; b) protected areas and other areas with high value species or c) environmentally sensitive areas entirely excluded from prospecting and mining (as per Annex 1 for protected areas). EPL applications must be submitted to the Mining Commissioner who refers such applications to the MLAC. The MME registers the application and provides the company with an environmental screening questionnaire.

In considering the applications, the MLAC assesses the applicant's financial resources, technical expertise and proven track record of mineral exploration and development as well as rehabilitation of exploration or mining sites. The proposed prospecting programme, schedule and budget and its suitability to the geology, geomorphology and ecology of the area under application are critically reviewed. Documented proof of this must be furnished with the screening questionnaire for consideration by the MLAC.

The Mining Commissioner notifies the applicant on whether he/she has been successful and if so the MEFT sets environmental conditions (Annex 6) and helps compile Terms of Reference (ToR) for the EIA and/or EMP. The MEFT reviews the ToR for the EIA prior to commencement of the EIA.

A full EIA (Annex 6 provides a detailed EIA procedure) is compulsory and will always be required for any prospecting or mining or any activities associated therewith in a protected area, other areas with high value species and environmentally sensitive areas. The EIA shall be conducted according to the procedures as stated in the Environmental Management Act. Should the MLAC agree to recommend approval (after reviewing the EIA), an Environmental Management Plan and an Environmental Clearance Certificate shall be concluded before the prospecting or mining may commence.

6.2.4 Mining License (ML)

The granting of Mining Licenses will be permitted in protected areas and other areas with high value species except in a) 'no go areas' or areas where no prospecting or mining is allowed; b) protected areas and other areas with high value species and c) environmentally sensitive areas entirely excluded from prospecting and mining (as per Annex 1 for protected areas). When considering the mining licence application, the MLAC and the MEFT must be convinced of the viability and national economic importance of the proposed mining activity before it will be considered within a protected area or other areas with high value species or environmentally sensitive areas. The environmental screening questionnaire is completed by the applicant and submitted to the MME. The MEFT reviews and assesses the screening questionnaire and provides recommendations to the Mining Commissioner.

Mining will only be allowed in a protected area, other areas with high value species and environmentally sensitive areas if mining includes a concurrent and progressive process of rehabilitation of disturbed areas that cannot be fully rehabilitated; when financial securities for rehabilitation and mine closure (see section 6.5) are in place; and the mining license holder commits to a full and externally audited and supervised offset of any residual impacts that cannot be rehabilitated (see section 6.6).

The Mining Commissioner includes the recommendations made by the MEFT in the application file and presents the file to the MLAC. The MLAC assesses the application. In considering the applications, the MLAC assesses the applicant's financial resources, technical expertise and proven track record of mineral exploration and development as well as rehabilitation of exploration or mining sites including past performance in protected areas, other areas with high value species and environmentally sensitive areas. The proposed prospecting programme, schedule and budget and its suitability to the geology, geomorphology and ecology of the area under application are critically reviewed. Documented proof of this must be furnished with the screening questionnaire for consideration by the MLAC. The Mining Commissioner notifies the applicant on whether he/she has been successful and if so the MEFT sets environmental conditions (Annex 6) and help compile Terms of Reference (ToR) for the EIA and/or EMP. The MEFT reviews the ToR for the EIA prior to commencement of the EIA.

A full EIA (Annex 6 provides a detailed EIA procedure) is compulsory and will always be required for any prospecting or mining or any activities associated therewith in a protected area, other areas with high value species and environmentally sensitive areas. The EIA shall be conducted according to the procedures as stated in the Environmental Management Act. Should the MLAC agree to recommend approval (after reviewing the EIA), an Environmental Management Plan and an Environmental Clearance Certificate shall be concluded before the prospecting or mining may commence.

The EIA must in its scope include any auxiliary works if outside the intended mining license area. The Mining Commissioner may not approve any auxiliary works outside the intended mining license area without written concurrence from the Director of Wildlife and National Parks.

6.2.5 Mining Claim (MC)

No mining claims may ordinarily be registered in protected areas. Mining claims for table salt can be registered except in outside withdrawn areas a) 'no go areas' or areas where no prospecting or mining is allowed; and b) protected areas and other areas with high value species and c) environmentally sensitive

areas entirely excluded from prospecting and mining (as per Annex 1 for protected areas). Applications must be submitted to the Mining Commissioner in the Ministry of Mines and Energy.

6.2.6 Non-Exclusive Prospecting License (NEPL)

The holder of a NEPL shall not exercise any rights conferred on him/her by virtue of the said license in protected areas or other areas with high value species or environmentally sensitive areas.

6.2.7 Environmental Clearance Certificate

No prospecting or mining may commence anywhere in Namibia including protected areas, areas with high value species and environmentally sensitive areas before an Environmental Clearance Certificate (ECC) has been issued by the Environmental Commissioner. Such an ECC is only granted once various instruments are in place (see Section 6.2.9). An ECC in this instance is issued with conditions attached aimed at providing clear and precise directives to prospecting and mining companies concerning their activities in protected areas, areas with high value species and environmentally sensitive areas to minimize impacts on these areas, enhance compliance with legal and regulatory provisions and obligations derived from prerequisite instruments (see Section 6.2.9) and also to prevent conflict with protected area managers and landholders of areas with high value species or environmentally sensitive areas. Annex 10 provides standard conditions to be attached to ECCs for prospecting and mining in protected areas as well as standard conditions to be attached to ECCs for prospecting and mining in other areas with high value species or environmentally sensitive areas, without prejudicing the ability of the Environmental Commissioner to add site-specific conditions.

Mining will only be allowed in a protected area, other areas with high value species or environmentally sensitive areas if mining includes a concurrent and progressive process of rehabilitation of disturbed areas that cannot be fully rehabilitated; when financial securities for rehabilitation and mine closure (see section 6.5) are in place; and the mining license holder commits to a full and externally audited and supervised offset of any residual impacts that cannot be rehabilitated (see section 6.6).

An ECC for prospecting or mining may not be issued without the standard conditions provided in Annex 10 and site-specific conditions as may be required.

6.2.8 Criteria to identify areas outside of protected areas that should be excluded from prospecting and mining

When one or more of the following criteria apply to a site considered for mining and prospecting areas outside of protected areas, no mining and prospecting will be allowed in such sites. [Note that protected areas excluded from mining and prospecting are given in Annex 1 and areas inside protected areas that are excluded from mining and prospecting are given in Annex 3].

<u>Areas with high value species</u>

Sites that hold rare and endangered animal or plant species or species of high economic value such as rhinoceros, elephant, lions, sable antelope, roan antelope, tsessebe, buffalo, giraffe

Sites that fall within Centres of Endemism such as the Western Gariep Centre of Endemism, Kaokoveld Centre of Endemism, Brandberg Centre of Endemism and others to be identified in future

Sites that fall within recognized Biodiversity Hotspots such as the Succulent Karoo Biodiversity Hotspot

Sites that hold rare habitats such as caves, tufas, underground lakes, wetlands, major perennial springs, riverine forests, lagunes, river mouths, islands in rivers, river floodplains, mature forests, isolated grasslands, riverbanks.

Sites that hold viable populations of range restricted and/or endemic animal or plant species or range restricted plant species that do not fall in any other category

Sites that represent intact portions of biomes, ecotypes, ecosystems, vegetation types not represented in protected areas

Sites that fall within recognized and mapped wildlife corridors and dispersal areas

Sites that hold breeding sites of endangered or threatened species such as vultures, Damara terns, Ground Hornbill, flamingos, pelicans, Nile freshwater turtle, seabirds, including historical breeding sites of these species

Ramsar Sites e.g. Etosha Pan, Cape Cross Lagoon, Orange River Mouth, Lower Kavango River

Recognized Important Bird Areas e.g. Epupa-Ruacana, Eastern Zambezi Wetlands, Mahango Core Area, Tsumkwe Pan System, Sandwich Harbour

Recognized Key Biodiversity Areas or equivalent that may be identified in future as complying with international criteria for such areas

Inselbergs

Sites that fall within the CBD Kunming-Montreal Global Biodiversity Framework category of Other Effective Area-Based Conservation Measures (OECMs) that may be designated as such in future

Terrestrial components of CBD registered Ecologically and Biologically Significant Areas (EBSAs) that are not included in protected areas

National Heritage Sites

National Monuments

Archaeological sites including sites caves or rock overhangs with evidence of prehistoric human habitation, shipwrecks or parts thereof, whale bone huts, shell middens, rock art sites including both paintings and engravings, sites with major assemblages of stone tools, the remains of prehistoric human shelters and prehistorical burial sites

Other archaeological sites to be specified by the National Heritage Council

Areas and sites with high economic value for tourism

Areas or sites with high economic value for tourism based on their natural attractiveness

Areas or sites with high economic value for tourism based on their immediate proximity to any site or area specified in these criteria

Sites with tourism development value that are strategically located for providing tourism services along major tourism routes

6.2.9 Instruments to be in place before an Environmental Clearance Certificate for mining in a protected area or other areas with high value species or environmentally sensitive areas is issued

The following instruments must be in place and filed with the Environmental Commissioner and the Director of Parks and Wildlife before an ECC can be issued:

1. An **approved EIA** that must, among others:

- include a thorough assessment of cumulative effects of mining in that or nearby protected area/s, areas with high value species and environmentally sensitive areas;
- for seasonal, ephemeral, migratory or nomadic species that will be impacted, include data over a minimum of 24 months;
- clearly outlines to what extent mining impacts can be rehabilitated and by which methods, how continuous and progressive rehabilitation during the entire life of mine will be done and how residual impacts that cannot be rehabilitated will be offset;
- include in its coverage and mitigation measures any auxiliary works if outside the intended mining license area;
- contain proof that protected area management personnel and the landholders of other areas with high value species or environmentally sensitive areas have been fully consulted; and
- clearly show how stakeholder concerns and especially those of protected area management personnel and the landholders of other areas with high value species and environmentally sensitive areas have been addressed.

2. An **approved Environmental Management Plan** that must include among others, the methodology for a process of continuous and progressive rehabilitation during the entire life of mine and monitoring and reporting thereof, unless otherwise approved under exceptional circumstances.

3. An **approved Mine Closure (and Rehabilitation) Plan** that must include among others, a process of continuous and progressive rehabilitation during the entire life of mine, unless otherwise approved under exceptional circumstances, and a plan to offset residual impacts that cannot be rehabilitated.

4. A **signed Environmental Clearance Certificate**, where applicable.

5. **Financial guarantees** in the form of bonds or ringfenced accounts that require co-signing by the MEFT before they can be accessed are in place.

   or

   Financial provisions for rehabilitation of exploration and/or mining or mine closure have been deposited in the Rehabilitation Fund hosted by the EIF (see Section 6.5).

6. In instances where the EIA indicates that there will be residual impacts from mining that cannot be fully rehabilitated (e.g. mining voids or open pits that cannot be refilled) to an acceptable standard, an **agreement between the Proponent and the MEFT that specifies how residual impacts on biodiversity and the protected area in question will be offset** (noting that MEFT still has to develop a framework and guideline for the implementation of biodiversity offsetting) with the minimum requirement that offsetting should result in no Net Loss and preferably a Net Gain to Biodiversity, that the offset plans and implementation are independently reviewed and audited by a suitably qualified expert or panel of experts that is appointed by the MEFT and fully financed by the proponent.

6.2.10 Distribution of Environmental Clearance Certificate and related instruments concerning mining in a protected area, other areas with high value species and environmentally sensitive areas

The following minimum instruments must be filed by the Environmental Commissioner:

- All applicable ERLs, MDRLs, EPLs, MLs, MCs or NEPLs, any approval for auxiliary work or any other agreement with or approval from MME concerning prospecting and mining in a protected area, other areas with high value species and environmentally sensitive areas
- All applicable EIAs, EMPs, ECCs, Environmental Clearance Certificates, Mine Closure (and Rehabilitation) Plan, proof of Financial Guarantees or Financial Provisions for rehabilitation of exploration and/or mining or mine closure, Agreement between the Proponent and the MEFT that specifies how residual impacts on biodiversity and the protected area in question will be offset

and in addition to the Office of the Environmental Commissioner, and at the cost of the applicant:

- All applicable EIAs, EMPs, ECCs, Environmental Clearance Certificates, Mine Closure (and Rehabilitation) Plan, proof of Financial Guarantees or Financial Provisions for rehabilitation of exploration and/or mining or mine closure, Agreement between the Proponent and the MEFT that specifies how residual impacts on biodiversity and the protected area in question will be offset

must be filed in both printed and electronic form with the Director of Wildlife and National Parks and the landholder of the area with high value species or environmentally sensitive areas.

6.3 Change of ownership and/or change of company name

The specific objective of this strategy is:

- To clarify the action to be taken when there is change of ownership and/or change of company name for companies holding licences in protected areas, other areas with high value species and landholder of the area with high value species or environmentally sensitive areas.

Strategic approach

If the company or partnership holding a licence in a protected area, other areas with high value species and environmentally sensitive areas is sold or changes ownership, all environmental clearances and contracts become void. The new owner must obtain new environmental clearances and contracts pursuant to an acceptable EIA and/or EMP. The new owner may sign an affidavit accepting and honouring all conditions, clearances, contracts and undertakings granted to and acceded to by the previous owner.

In the event that the company changes name, a signed affidavit accepting all conditions, clearances, contracts and undertakings granted to and acceded to under the previous name on behalf of the new name must be submitted to the Mining Commissioner and MEFT.

6.4 Renewals

The specific objective of this strategy is:

- To clarify the procedure for renewals of EPL in protected areas, other areas with high value species and environmentally sensitive areas.

Strategic approach

In terms of the Minerals (Prospecting and Mining) Act, 1992, an EPL may be renewed. Such renewals are subject to a reduction in size of the EPL. When a company applies for renewal of an EPL, this application must be lodged 90 days prior to the expiry date of the EPL or, with good reason, no later than the expiry date.

The MEFT must review the renewal application and make any comments and/or recommendations for consideration by the MPMRAC. Amendments and revisions may be required for the EIA and EMP. A summary of the renewal procedure is presented in Annex 8. Due consideration must be given when renewing the licence to ascertain whether there is justification to renew the licence. Once an EPL expires and a new EPL is issued, even if it is to the previous holder, the full screening process must be followed with a full EIA process before operations may commence.

6.5 Closure and Restoration

The specific objective of this strategy is:

- To ensure that companies involved in prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas take responsibility for carrying out appropriate rehabilitation and restoration, during the life of mine and upon closure of their activities.

Strategic approach

Prospecting and Mining Licences will only be issued in protected areas, other areas with high value species and environmentally sensitive areas once a mine-closure plan is in place and approved by the MEFT and MME.

Mining will only be allowed in a protected area, other areas with high value species and environmentally sensitive areas if mining includes a concurrent and progressive process of rehabilitation of disturbed areas that cannot be fully rehabilitated; when financial securities for rehabilitation and mine closure (see section 6.5) are in place; and the mining license holder commits to a full and externally audited and supervised offset of any residual impacts that cannot be rehabilitated (see section 6.6).

Rehabilitation and restoration of impacted sites must be part of the prospecting and mining process and once all prospecting or mining activities are completed, rehabilitation should also be completed in accordance with Rehabilitation and Restoration Guidelines.

If a company wishes to upgrade from an EPL to an ML, then areas that are excluded from the ML area and/or impacts on areas that are not going to be mined must be restored to the satisfaction of the MEFT prior to an ML being issued, or within one (1) year from the issuance of the ML.

On completion of operations, prospecting or mining, the MEFT will issue a final closure report stating that restoration has been completed in accordance with the Rehabilitation and Restoration Guidelines.

The operating company will be responsible to restore areas damaged by historic mining and prospecting within the licence area, provided that these have not been designated as industrial heritage in the meantime. Scars or disturbed areas to be rehabilitated will be agreed to in writing and indicated on a map in conjunction with the operator and the MEFT and taking into consideration provisions of the National Heritage Act as well as other associated legislation.

The MEFT and MME in consultation with relevant stakeholders shall develop National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas. These Guidelines shall serve as a framework to assess rehabilitated and restored sites and hence approval of completion of rehabilitation and restoration work by the relevant authorities. Provisional National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas, other areas with high value species and environmentally sensitive areas are provided in Annex 11.

The mine closure plan must include a cost determination of rehabilitation and mine closure as the basis for determining the amount of funding that must be secured for rehabilitation during the life of mine and upon final closure and offsetting residual impacts that cannot be rehabilitated, also serving as an indication of the risk that the State will face in case of the default by mining companies on their commitments to rehabilitate and do mine closure to acceptable standards and ensure compliance with financial reporting requirements (paraphrased from Anon. 2019).

As explained in the Best Practice Guide Environmental Principles for Mining in Namibia "Different financial sureties are often employed to ensure that enough funds will always be available for mine closure, including the early phases of the project. Therefore, it is imperative that any mining company operating in Namibia has mechanisms in place to ensure that adequate financial resources have accumulated at mine closure. Furthermore, mines may adopt their own optimum methods of funding during operations. Additionally, for final closure, an independent fund needs to be established in conjunction with the

government. Currently, the favoured instrument is a trust fund. If there are deficits, the specific mining company is liable for any extra costs of rehabilitation" (Anon. 2019).

A Rehabilitation Fund shall be set up within the Environment Investment Fund to mobilise resources for rehabilitation and restoration of abandoned mines and impacted sites. The Fund will also require that Exploration and Mining License holders to fund bonds as security to ensure that they fulfil their environmental obligations. This means that if an operator is unable to meet their environmental obligations, the State or the landholders of areas with high value species or environmentally sensitive areas must not be the ones responsible for paying the rehabilitation costs.

Money in the Fund will be available to fund rehabilitation of abandoned mines in the country. Interest earned on the Fund contributions will be channelled towards rehabilitation of legacy abandoned mines. The Fund establishment will require separate regulations and operational guidelines to be developed and agreed upon by all stakeholders under the guidance of MEFT, MME and the EIF.

Alternatively mining companies may issue bonds and other financial securities for mine closure and restoration, provided that a robust legal mechanism is in place, approved by the MEFT, MME and Attorney General, that prevents the disposal of such bonds or financial securities without the concurrence of the MEFT, MME and Attorney General.

6.6 Biodiversity offsetting

The Wildlife and Protected Areas Management Bill makes provision for biodiversity offsetting, i.e. that the Minister of Environment, Forestry and Tourism may not grant approval for mining in protected areas unless the Minister has prescribed biodiversity offset initiatives that compensate for residual impacts and that seek to uphold the application of biodiversity offsets when applied under global best practice standards in conditions where long-term, durable outcomes are feasible and subject to other provisions. This is a new concept in Namibia but is applied in other countries to deal with residual impacts of mining and infrastructure development in protected areas or other areas with high value species. Residual impacts are those impacts that cannot be rehabilitated to any acceptable standard to enable the eventual full recovery of biodiversity or landscapes for other economic uses such as biodiversity conservation and tourism. In other jurisdictions this might entail the acquisition of alternative land to replace land that was destroyed by mining. While an implementation framework for biodiversity offsetting still needs to be developed for Namibia, options other than the acquisition of replacement land also need to be considered such as the acquisition of land for biodiversity conservation in an area not represented or underrepresented in Namibia's protected areas or providing long-term funding for the management of the protected area where the irreparable damage occurred.

The key aspects of biodiversity offsetting stated in the Wildlife and Protected Areas Management Bill are that the Minister of Environment, Forestry and Tourism should:

i) uphold the application of biodiversity offsets when applied under global best practice standards in conditions where long-term, durable outcomes are feasible;
ii) ensure that rigorous application of the mitigation of impacts is demonstrated and supported by evidence;
iii) promote the transparent and sustainable governance of biodiversity offsets;

iv) recognize that biodiversity offsets are an important instrument of conservation that may contribute towards achieving no net loss or net gain to biodiversity and ecosystem services where applied through full and timely application of mitigation, and with careful planning, design and execution;

v) acknowledge biodiversity offsets as a conservation mechanism that presents both potential opportunity and risk to the conservation of biodiversity and ecosystem services, and the proponents must demonstrate reduction of and, where possible, eliminate risk to foster the opportunities for conservation inherent in the concept;

vi) ensure that the full cost of offset implementation is budgeted for and financing is made available and transferred to an appropriate financing vehicle prior to impacts occurring; and the offset plans and implementation are independently audited by a suitably qualified expert or panel of experts that is fully financed by the proponent and reports to the Minister.

Although the final text may change in the future Act, the main concepts are most likely to be retained, namely: applying global best practice, ensuring no net loss in biodiversity, ensuring that financial provision is made for biodiversity offsetting before impacts occur and the independent auditing of offset planning and implementation.

6.7 EIA and EMP reviews

The EIA process makes provision for an EIA or EMP to be sent for external review by the MEFT. The costs of this review will be borne by the license applicant. The same applies to renewals of an ECC.

7. Implementation arrangements and framework

This Policy lays down strategies that will guide decision making on issuance of prospecting and mining licenses in protected areas, other areas with high value species and environmentally sensitive areas . The Policy has been developed to complement various regulations and policies relevant to prospecting and mining in order to ensure minimal negative impacts on the environment. Where necessary, specific Memoranda of Understanding shall be developed between prospecting and mining companies, and the MEFT and MME, to further detail implementation mechanisms and agree on rehabilitation and restoration obligations.

The Policy and accompanying guidelines and accompanying guidelines and Decision Support Tool will form the basis for decision making on issuance of prospecting and mining licenses by the MRMPC.

The Directorate responsible for protected area and wildlife management under the MEFT serves as the focal point for the Policy implementation. The Directorate responsible for mines under the MME will be the counterpart focal point for implementation. A Technical Committee will meet regularly as the leading forum for coordination and tracking progress with regard to the implementation of the Policy. The MEFT and MME will jointly seek resources to ensure that the Action Plan is implemented and will identify focal point persons within their respective ministries to facilitate the implementation of the Policy.

Although the MEFT and MME are the lead and coordinating agencies for implementation, a range of different stakeholders are key to the implementation of the Policy as indicated in the Implementation Action

Plan in Annex 12. The effectiveness of the Implementation Action Plan largely depends upon raising awareness among key stakeholders and the resources required.

8. Institutional Arrangements and framework

- The Ministry of Mines and Energy is the responsible Ministry for issuance of licenses for prospecting and mining.

- The Ministry of Mines and Energy should ensure that all mining operations in protected areas, other areas with high value species and environmentally sensitive areas are inspected at a minimum once a year.

- The Ministry of Environment Forestry and Tourism through the Department of Environmental Affairs and Forestry is responsible for issuing the Environmental Clearance Certificate.

- The Ministry of Environment, Forestry and Tourism is responsible for management of protected areas and species and habitat conservation and management outside protected areas.

- The Ministry of Environment Forestry and Tourism is represented at the MLAC by the Directorate responsible for Protected Area Management and the Department of Environmental Affairs and Forestry, and considerations and recommendations of applications for prospecting and mining in protected areas and other areas with high value species are provided by the Ministry of Environment, Forestry and Tourism at that level.

- In line with the provisions of this Policy the Ministry of Environment Forestry and Tourism has established an internal sub-committee, the MEFT sub-committee on the Review of the applications for prospecting and mining in Protected Areas and other Conservation Areas, that will review and discuss applications for prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas prior to every MLAC meeting, in order to review prospecting and mining license applications.

- The Ministry of Environment, Forestry and Tourism should approach the Public Service Commission to increase the number of Environmental Inspectors to ensure that there is one such official for each Region; and to create new positions in the Warden category for protected areas heavily impacted by mining such as the Namib-Naukluft NP, Dorob NP and Skeleton Coast NP as well as at central level to ensure compliance monitoring of prospecting and mining authorizations and accompanying requirements.

- The Ministry of Environment, Forestry and Tourism should ensure that all protected area management personnel from Warden to Control Warden should receive training in the implementation of the Environmental Management Act, participation in the EIA process, understanding the role of all instruments such as the ECC and EMP and requirements for each of these and compliance monitoring of ECC conditions and EMP implementation.

- The Ministry of Mines and Energy to review of the status of MEFT officials under Section 52 (1) of the Diamond Act 13 of 1999. At present MEFT officials are excluded from entering restricted areas described in Section 52 (2) of the Diamond Act 13 of 1999. The status of MEFT Officials

should be the same as that of Police Officers, Labour Inspectors and Fisheries Inspectors under the Diamond Act.

9. Legal and regulatory arrangements

Namibia has sound environmental legislation aimed at achieving sustainable development, including laws that support public participation, impact assessment and environmental management. A network of legislation exists in Namibia that is geared towards sustainable development and the conservation and management of our country's rich biodiversity.

The Minister of Mines and Energy is responsible for implementing the Minerals (Prospecting and Mining) Act and the Petroleum Act and is specifically tasked to "ensure the sustainable development of Namibia's mineral and petroleum resources within a framework of national while promoting economic and social development". To ensure this, the Minerals (Prospecting and Mining) Act stipulates that the principles of Environmental Management apply to all mining, and serve as guidelines for the interpretation, administration and implementation of the environmental requirements for exploration and mining activities. The principles of Environmental Management are defined in the Environmental Management Act.

As a consequence, a holder of a prospecting or mining license:

- Must consider, investigate, assess and communicate the impact of their activities on the environment comprehensively.
- Must, as far as is reasonably practicable, rehabilitate the environment to its natural or predetermined state, or if outside a protected area, other areas with high value species and environmentally sensitive areas, to a land use which conforms to the generally accepted principle of sustainable development.
- Is responsible for environmental damage, pollution or ecological degradation as a result of reconnaissance, prospecting or mining operations which may occur inside and outside the boundaries of the areas to which such right, permission or permit relates.
- Is responsible for biodiversity offsetting as provided in the draft Wildlife and Protected Area Management Bill for residual impacts that cannot be rehabilitated.
- Must ensure that their activities will take place within the framework of national environmental management policies, norms and standards.

Mining companies also need to comply with other laws which regulate mining impacts on the environment. The Constitution of the Republic of Namibia enshrines the right 'to an environment that is not harmful to health or well-being' of people. The Environmental Management Act sets out environmental management principles that support this, and other requirements that must guide decision-making throughout the mining life cycle. Disturbance of ecosystems, loss of biodiversity, pollution or degradation of the environment, as well as sites that constitute the nation's cultural heritage, should be avoided, minimized, rehabilitated, or as a last option offset. The Minister of MEFT is responsible for environmental management and conservation of biodiversity.

Finally, water use authorization and wastewater disposal permits under the Water Resources Management Act are required for mining operations to ensure protection of water resources. The Water Resources Management Act is under the custodianship of the Minister of Agriculture, Water and Land Reform (MAWLR).

10. Resource Mobilization

Government recognizes that increased resource mobilization is needed to maximize Policy implementation to achieve the objectives. Resource mobilization will be undertaken through:

- Allocation of resources for the implementation of the Policy by the government to MEFT and MME.
- Identifying funding support from diverse sources including regional and international donor agencies, foundations and, as appropriate, through private sector involvement;
- Establishment of strategic partnerships with various organizations, regional bodies or centres of excellence with a view to pooling resources and/or widening opportunities and possibilities for mobilizing resources from various sources;
- Identification and maximization of opportunities for technical cooperation with regional and international organizations, institutions and development assistance agencies;
- Ensuring the efficient use of available resources and adoption of cost-effective approaches to capacity-building.

11. Monitoring and Evaluation Framework and Reporting

- A company holding a license to operate within a protected area, other areas with high value species and environmentally sensitive areas shall furnish the MC and MEFT with an environmental report every six (6) months. The MEFT and MME may conduct inspections at any time during the year to monitor compliance with the Environmental Clearance Certificate, EIA, EMP and/or any other conditions that are stipulated.
- In the event of a dispute or apparent disregard for the conditions attached to an Environmental Clearance Certificate or contained in an Environmental Management Plan, senior officials of MEFT, MME, and MFMR (where applicable) may constitute a Joint Technical Committee to carry out inspections on such mines in protected areas, other areas with high value species and environmentally sensitive areas as may be required to address such problems.
- An annual Environmental Audit must be carried out on any EPL or ML within any protected area, other areas with high value species or environmentally sensitive areas. This audit must be conducted by the MEFT and MME, or an independent expert may be commissioned, at the licensee's cost, to conduct the audit on behalf of MEFT and MME.

12. Advocacy and Dissemination

In order to ensure the effective implementation of this policy, the following advocacy and dissemination activities will be undertaken:

- Development and formulation of target-specific messages through different and suitable channels of communication;
- Utilization of existing structures in dissemination of policy information to reach out to local level resource managers and communities;
- Achievement of political will and action through engagement of key decision-makers such as executive directors and parliamentarians;
- Establishment of awareness education desks in all institutions so that decision-makers have knowledge of the policy;
- Provision of adequate resources (financial and human) to the Directorate responsible for Protected Area Management at the MEFT to spearhead the identification, creation and dissemination of Policy related information;
- Full participation at field level in the implementation of the Policy.

13. References

Anon. 2019. Best practice guide: Environmental Principles for Mining in Namibia.

Legal Assistance Centre of Namibia. 2009. Striking a better balance: An investigation of mining practices in Namibia's Protected Areas. Stanford Law School, Mills International Human Rights and Environmental Law Clinics.

Legal Assistance Centre of Namibia. 2023. The Extractive Industry and displacement of communities. The Tsumeb experience.

Lindsey, P.A. Chapron, G. Petracca, L.S., Burnham, D., Hayward, M.W., Henschel, P., Hinks, A.E., Garnett, S.T., Macdonald, D.W., Macdonald, E.A., Ripple, W.J, Zander, K. & Dickman, A. 2017. Relative efforts of countries to conserve world's megafauna. *Global Ecology and Conservation* 10: 243–252

Ministry of Environment and Tourism. 2008. Etosha National Park Management Plan.

Ministry of Environment and Tourism. 2009. Sperrgebiet National Park – Managing its Biodiversity

Ministry of Environment and Tourism. 2019. Guidelines for the Zoning of Protected Areas in Namibia

Ministry of Environment and Tourism. 2020. Management plan for Bwabwata National Park 2020/2021-2029/2030

Ministry of Environment and Tourism. 2020. Management plan for Khaudum National Park 2020/2021-2029/2030

Ministry of Environment and Tourism. 2020. Management plan for Mangetti National Park 2020/2021-2029/2030

Ministry of Environment and Tourism. 2020. Management plan for Mudumu National Park 2020/2021-2029/2030

Ministry of Environment and Tourism. 2020. Management plan for Nkasa Rupara National Park 2020/2021-2029/2030

Ministry of Environment and Tourism. 2020. Management plan for Popa Falls Nature Reserve 2020/2021-2029/2030

Ministry of Environment and Tourism. 2020. Management plan for Tsau //Khaeb (Sperrgebiet) National Park 2020/2021-2029/2030

Ministry of Environment and Tourism. 2021. Management plan for Dorob National Park 2021/2022-2030/2031

Ministry of Environment and Tourism. 2021. Management plan for Skeleton Coast National Park 2021/2022-2030/2031

Ministry of Environment and Tourism. 2021. Management plan for Namib-Naukluft National Park 2021/2022-2030/2031

Ministry of Environment and Tourism. 2023. Management plan for Cape Cross Nature Reserve 2022/2023-2031/2032

Ministry of Environment and Tourism. 2023. Management Plan Etosha National Park - A framework for a business plan 2022/2023-2031/2032

Ministry of Environment and Tourism. 2023. Management plan for Fish River National Park 2023/2024-2032/2033 (draft)

Ministry of Environment and Tourism. 2023. Management plan for Hardap National Park 2023/2024-2032/2033 (draft)

Ministry of Environment and Tourism. 2023. Management plan for Naute National Park 2023/2024-2032/2033 (draft)

Strategic Environmental Assessment (SEA) for the Coastal Areas of the Erongo and Kunene Regions, DHI Water & Environment, July 2007

List of Annexes

Annex 1: Protected Areas excluded from exploration and mining

Annex 2: Description of Protected Areas to be excluded from prospecting and mining

Annex 3: Protected areas with specific zones to be excluded from Prospecting and Mining

Annex 4: Protected area management zonation categories

Annex 5: Decision Support Tool – an initial outline

Annex 6: The Environmental Assessment Process in Namibia

Annex 7: Application Procedure for prospecting or mining in protected areas

Annex 8: Summary of Renewal Process

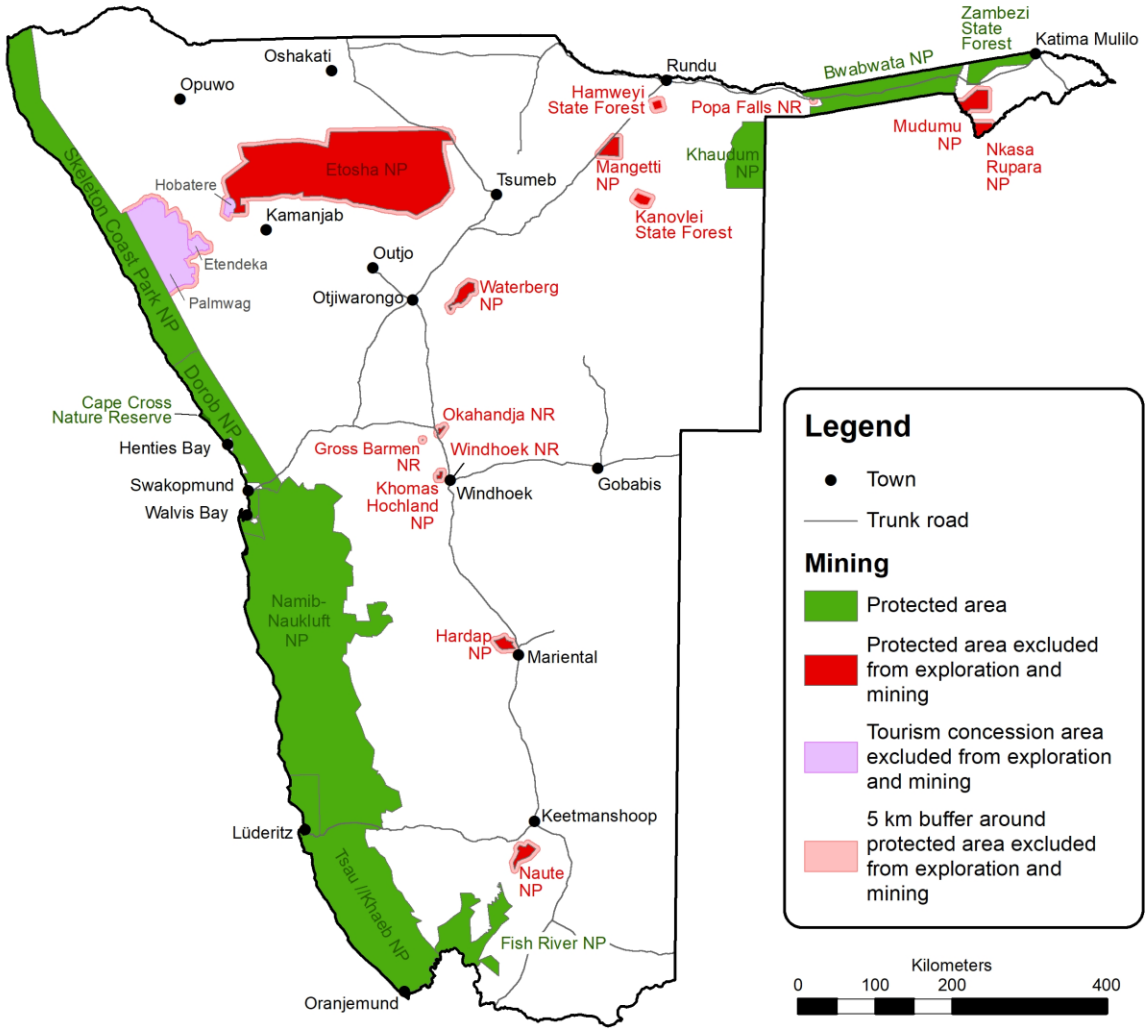
Annex 9: Permit conditions to operate in protected areas

Annex 10: Standard conditions to be attached to Environmental Clearance Certificates (ECCs) for prospecting and mining in Protected Areas, other areas with high value species and environmentally sensitive areas

Annex 11: Provisional National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas, other areas with high value species and environmentally sensitive areas

Annex 12: Implementation Action Plan

ANNEX 1: Protected Areas and Tourism Concession Areas with a buffer zone of 5 kilometres excluded from exploration and mining (or as specified in park regulations)



Map 1: Map of Namibia indicating Protected Areas and Tourism Concession Areas with 5 km buffer zones excluded from prospecting and mining.

ANNEX 2: Description of Protected Areas and Tourism Concession Areas to be excluded from prospecting and mining (in alphabetical order per category)

Protected areas proclaimed through the Nature Conservation Ordinance

Name of Protected Area	Size (km^2)	Justification for exclusions
Etosha National Park	22,880	The entire park is to be excluded from prospecting and mining. Etosha is Namibia's flagship protected area and is an important international tourism destination. The park hosts large populations of rare species that are economically important to the country. Etosha is considered a global important bird area. The Etosha Pan and the associated rivers are some of the most important features in the park and one of the only two breeding sites for flamingos in the southern African Region, and hence of global significance. The sensitivity of this park to human impacts demands special protection. The sand veld in the northeast and the dolomite hills are unique habitats in the park. The park, including the five rest camps and lodges, is a major revenue contributor to the government, generating approx. N$ 90 million per year from entrance fees and conservation fees. An additional N$ 20 million per annum is also expected from concession fees if identified concession opportunities are fully developed. Several tourism concessions in the park have been awarded to neighbouring conservancies and the Hai//om San community. Once fully operationalized, these concessions will generate more revenues to the state and provide economic benefits to local communities.
Gross Barmen Nature Reserve	1	The entire park is to be excluded from prospecting and mining. This is a small recreational area that cannot accommodate prospecting and mining activities. The area also has hot springs upon which the tourism product is based.
Hardap National Park	240	The entire park is to be excluded from prospecting and mining. Hardap is one of only two parks with dwarf shrub savanna vegetation. There is also a small population of black rhinoceros in the park. Furthermore the park is a sub-regional important bird area which hosts breeding sites for White Pelicans.

Khomas Hochland National Park	80	The entire park is to be excluded from prospecting and mining. This is the only part of the highland savanna under national protection. As it is situated within the Windhoek City boundaries, the park has great potential for environmental education as well as further tourism development. The park is small and therefore cannot accommodate mining operations.
Mudumu National Park	716	The entire park is to be excluded from prospecting and mining. The park forms part of one of the most important elephant movement corridors (the Sobbe Corridor) from eastern Ngamiland in Botswana to Angola and Zambia in the Kavango Zambezi Transfrontier Conservation Area.
Naute National Park	360 (including the farm Ghoggab that will be added to the park and the Keetmanshoop recreation area)	The entire park is to be excluded from prospecting and mining. This is the only part of the Nama Karoo Biome of southern Namibia under protection. The park is also an important bird area with breeding sites on islands. The entire Keetmanshoop town depends on this park for fresh water.
Nkasa Rupara National Park	345	The entire park is to be excluded from prospecting and mining. The park protects the important wetlands of the Kwando/Linyanti system which are part of a globally important bird area. The surrounding conservancies use the park as a core area for wildlife and tourism and tourism concessions have been awarded to the conservancies that include developments which are of high economic importance. The park hosts large populations of key species such as buffalo, lion, elephant and a large variety of wetland birds.
Okahandja Nature Reserve	40	The entire park is to be excluded from prospecting and mining. This is the only park that protects the thornbush savanna. The park also offers affordable recreational opportunities to visitors.
Popa Falls Nature Reserve	0.1	The entire park is to be excluded from prospecting and mining. It is a small tourist resort. The park is too small for any prospecting or mining activities.
Waterberg National Park	415	The entire park is to be excluded from prospecting and mining. It holds important populations of high value species.

Windhoek Nature Reserve	0.1	The entire nature reserve is to be excluded from prospecting and mining. The nature reserve park is too small for any prospecting or mining activities and it is located in an urban area.
Protected areas proclaimed through the Forestry Act		
Hamweyi State Forest	111	The entire State Forest is to be excluded from prospecting and mining. It is too small for any prospecting or mining activities.
Kanovlei State Forest	216	The entire State Forest is to be excluded from prospecting and mining. It is too small for any prospecting or mining activities.
Tourism Concession Areas assigned to and managed by MEFT as per Cabinet Decision		
Etendeka Tourism Concession Area	394	MEFT has been responsible for the management of the area since Independence as decided by Cabinet. The area hosts large populations of key species such as black rhinoceros, lion, elephant, giraffe and many endemic plant species. The area is part of the most important wildlife corridor in northwestern Namibia. It further lies in the Kaokoveld Centre of Endemism. The surrounding conservancies are the beneficiaries from the tourism in the area. The entire area is to be excluded from prospecting and mining.
Hobatere Tourism Concession Area	258	MEFT has been responsible for the management of the area since Independence as decided by Cabinet. The area hosts large populations of key species such as black rhinoceros, lion, elephant, giraffe, endemic black-faced impala and many endemic plant species. The area is part of the most important wildlife corridor in northwestern Namibia. It further lies in the Kaokoveld Centre of Endemism. The surrounding conservancies are the beneficiaries from the tourism in the area. The entire area is to be excluded from prospecting and mining.
Palmwag Tourism Concession Area	5,828	MEFT has been responsible for the management of the area since Independence as decided by Cabinet. The area hosts large populations of key species such as black rhinoceros, lion, elephant, giraffe and many endemic plant species. The area is part of the most important wildlife corridor in northwestern Namibia. It further lies in the Kaokoveld Centre of Endemism. The surrounding conservancies are the

		beneficiaries from the tourism in the area. The entire area is to be excluded from prospecting and mining.

ANNEX 3: Protected Areas with specific zones to be excluded from Prospecting and Mining (in alphabetical order)

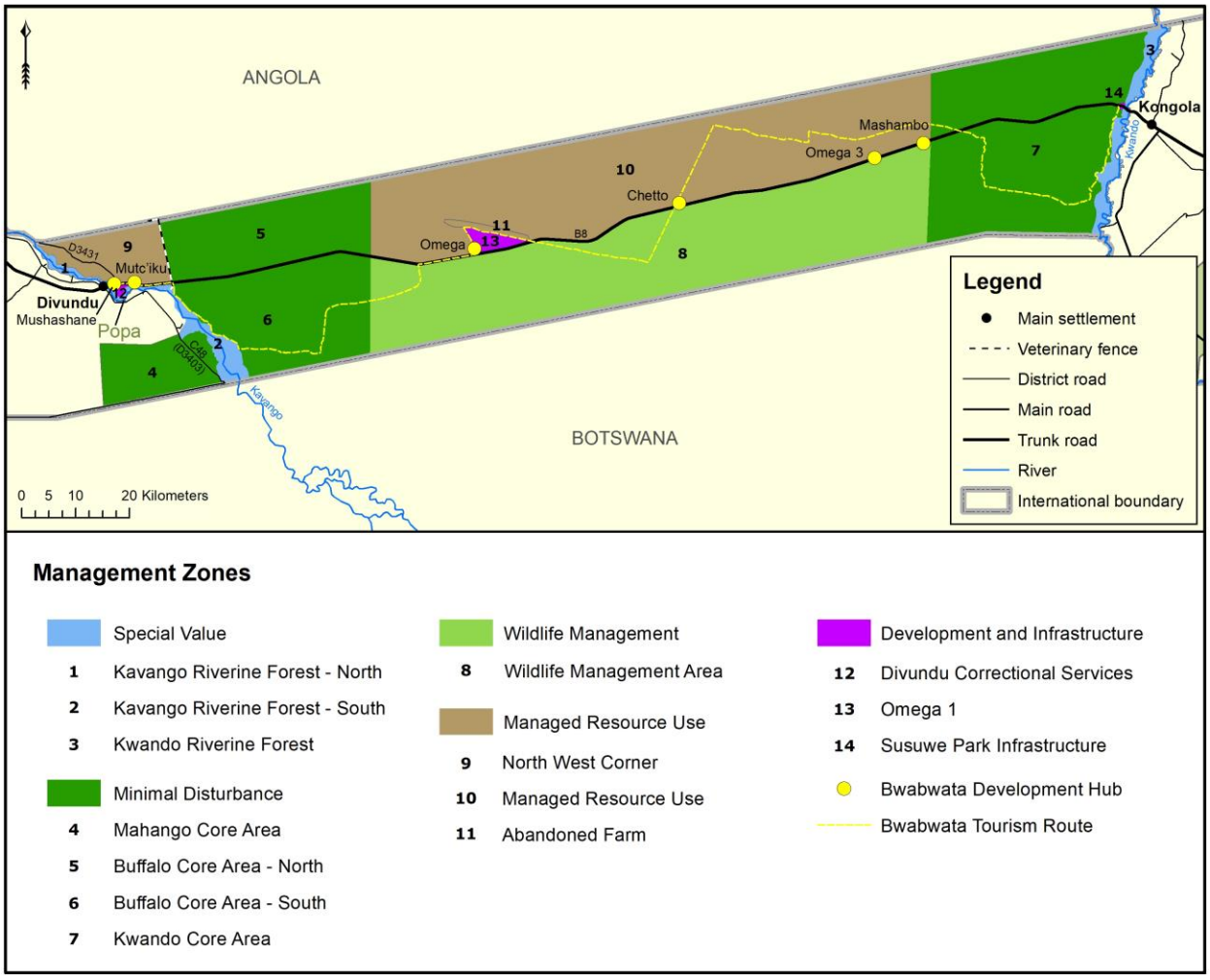
1. Bwabwata National Park

Size of Park: 6,370 km²

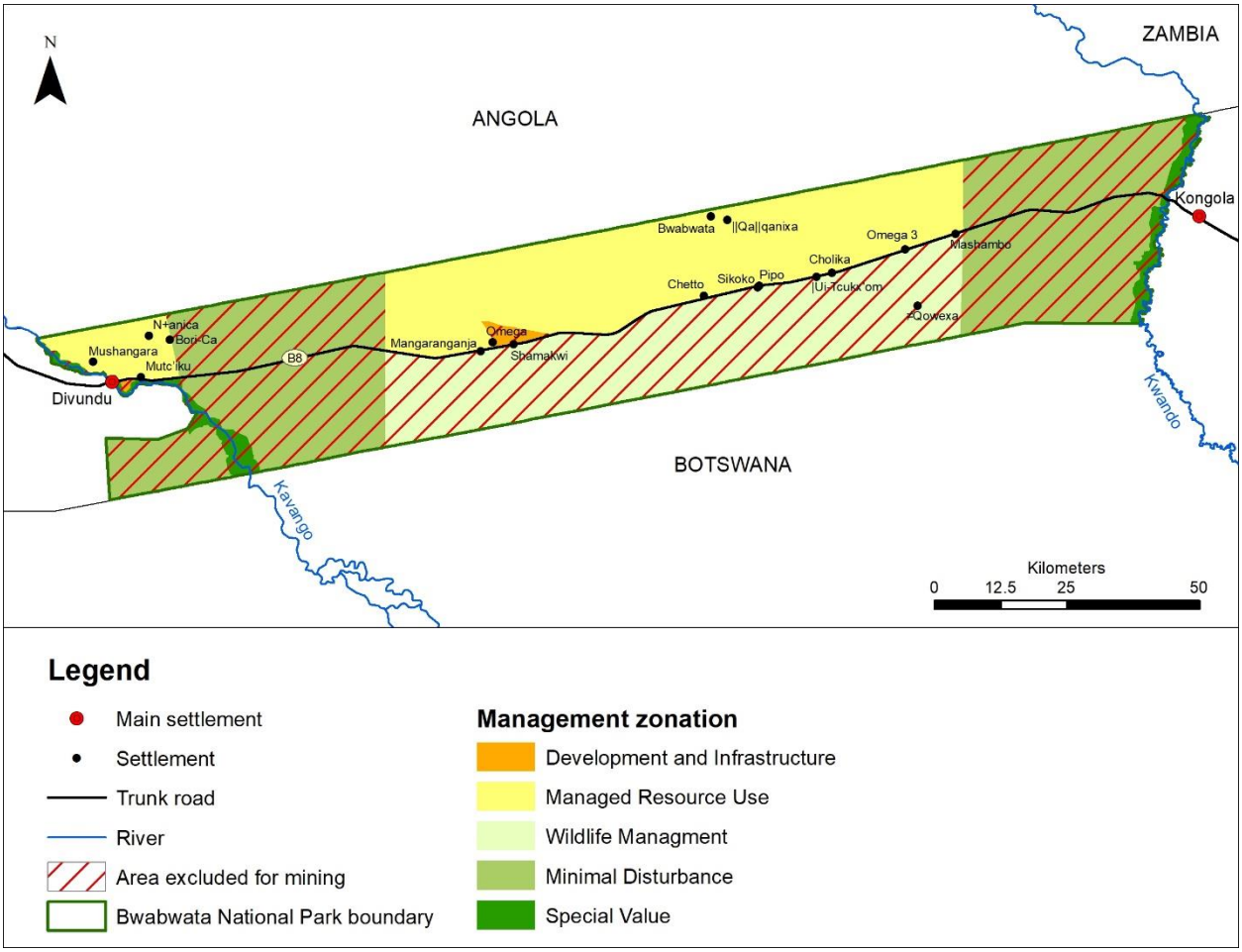
Rationale: The area which must be excluded from prospecting and mining comprises the:

- Three special value zones i.e. the Kavango Riverine Forest North, Kavango Riverine Forest South, Kwando Riverine Forest,
- Four minimum disturbance zones i.e. the Mahango, Buffalo North, Buffalo South and Kwando Core Area
- Wildlife management zone which is one of the most important elephant movement corridors in the entire KAZA TFCA
- Development and infrastructure zone i.e. the Omega triangle, a 2 km radius area around all villages and settlements and a 2 km zone on both sides of the B8 road and the Golden Highway road (which is a tourism concession for the Kyaramacan Association representing the predominantly Khwe residents of the park)

The rivers and wetlands of the special value zones are important breeding areas for fish and birds and have high tourism potential. Part of the lower Kavango River is a globally Important Bird Area, and the Mahango Core Area is a Ramsar Site. Islands in this part of the Kavango River are of cultural and historical importance since they are burial grounds of the Chiefs. The four core areas that are the minimum disturbance zones have high biodiversity value and hold around 12,000 elephants. The Mahango core area is a breeding area for economically valuable rare game species. The Kwando core area in the eastern part of the park is a major elephant migration corridor and includes pockets of important riverine woodland, floodplains and broad-leafed woodlands and omuramba habitats. The Kwando Core area is also a major tourism development area.



Map 1.1: Bwabwata National Park showing the new management zonation as per the park management plan 2020 -2030



Map 1.2: Bwabwata National Park showing the excluded areas superimposed on the park management zones as per the park management plan 2020 - 2030

2. Cape Cross Nature Reserve

Size of Park: 60 km²

Rationale: The entire park was excluded from prospecting and mining in the 2018 Policy before the first management plan and thus also the first management zonation for the nature reserve was done. Salt mining on current salt mining sites is potentially a rare example of entirely sustainable mining that is beneficial to biodiversity conservation. The salt resource is indefinitely renewable as seawater is used in evaporation ponds. The evaporation ponds although artificial simulate the natural saline pan habitat of the park and together with the lagoon host large numbers of seabirds. Seawater levels in the lagoon are partly maintained by the salt mining operations which supplement the natural seawater inflows.

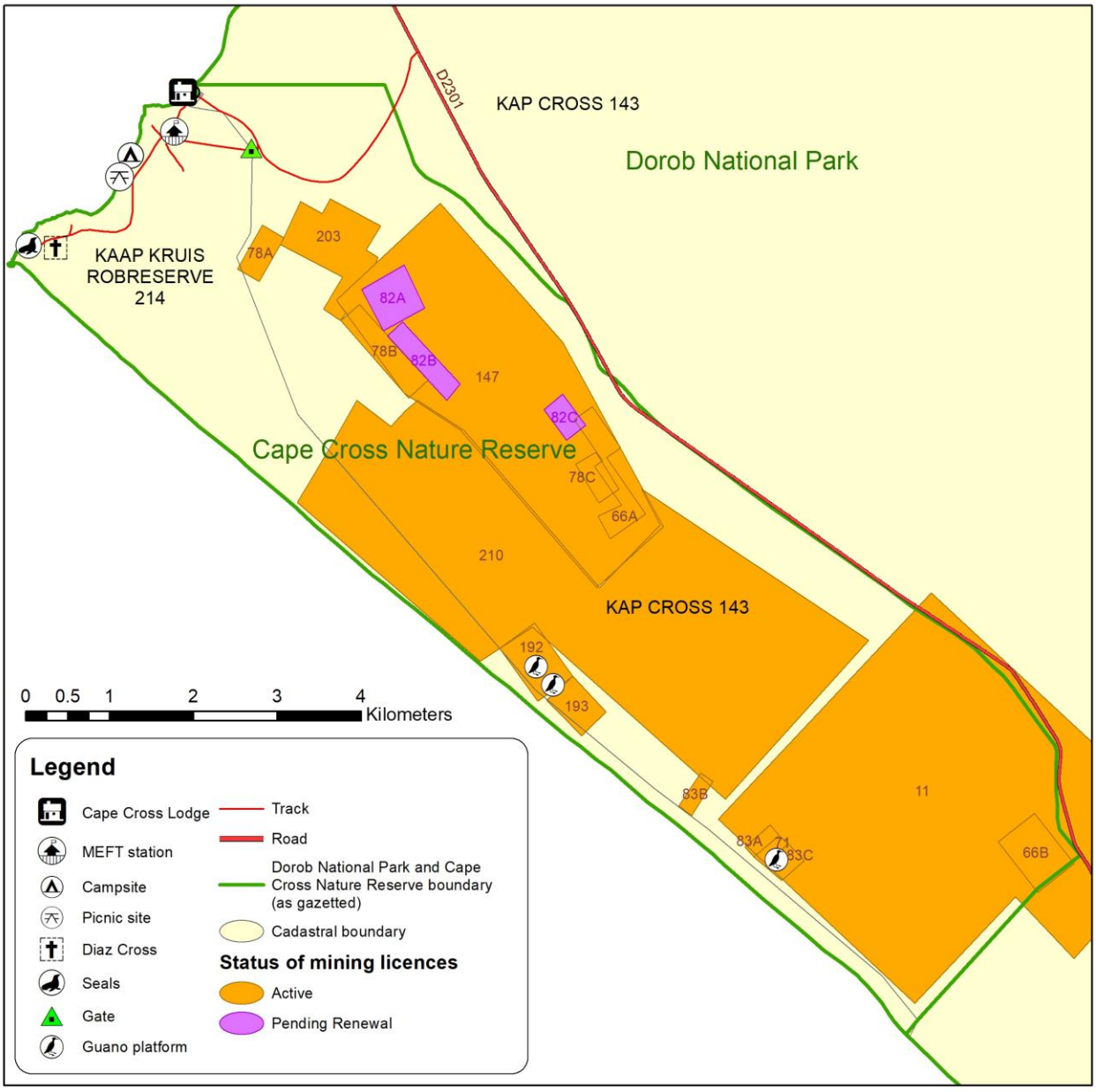
The few remaining undisturbed salt pan areas are nevertheless to be excluded from future mining to protect a small remnant of the original landform and its important ecological role as breeding sites when dry for the rare and near endemic Damara tern. Concerning the remainder of the nature reserve, Cape Cross NR holds the world's largest Cape Fur Seal breeding colony, one of only two large terrestrial seal colonies.

Despite its very small size, it is the third highest income generating park in Namibia after Etosha and Namib Naukluft, with an annual income to the State amounting to N$ 4.2 million. The lagoon is an important bird area. There are extremely important historical sites and a significant lichen area in the park. Furthermore, it has global importance as a surfing destination and a 5-star lodge to accommodate tourists is located on the boundary of the park.

The entire nature reserve is thus to be excluded from prospecting and mining except the currently valid mining license areas.



Map 2.1: Cape Cross Nature Reserve showing the park management zonation and the corrected boundary of the park as per the park management plan 2023 - 2033



Map 2.2: Cape Cross Nature Reserve showing the current (2022) mining license areas in the nature reserve



Map 2.3: Cape Cross Nature Reserve showing the excluded areas superimposed on the park management zones as per the park management plan 2023 – 2033.

3. Fish River National Park

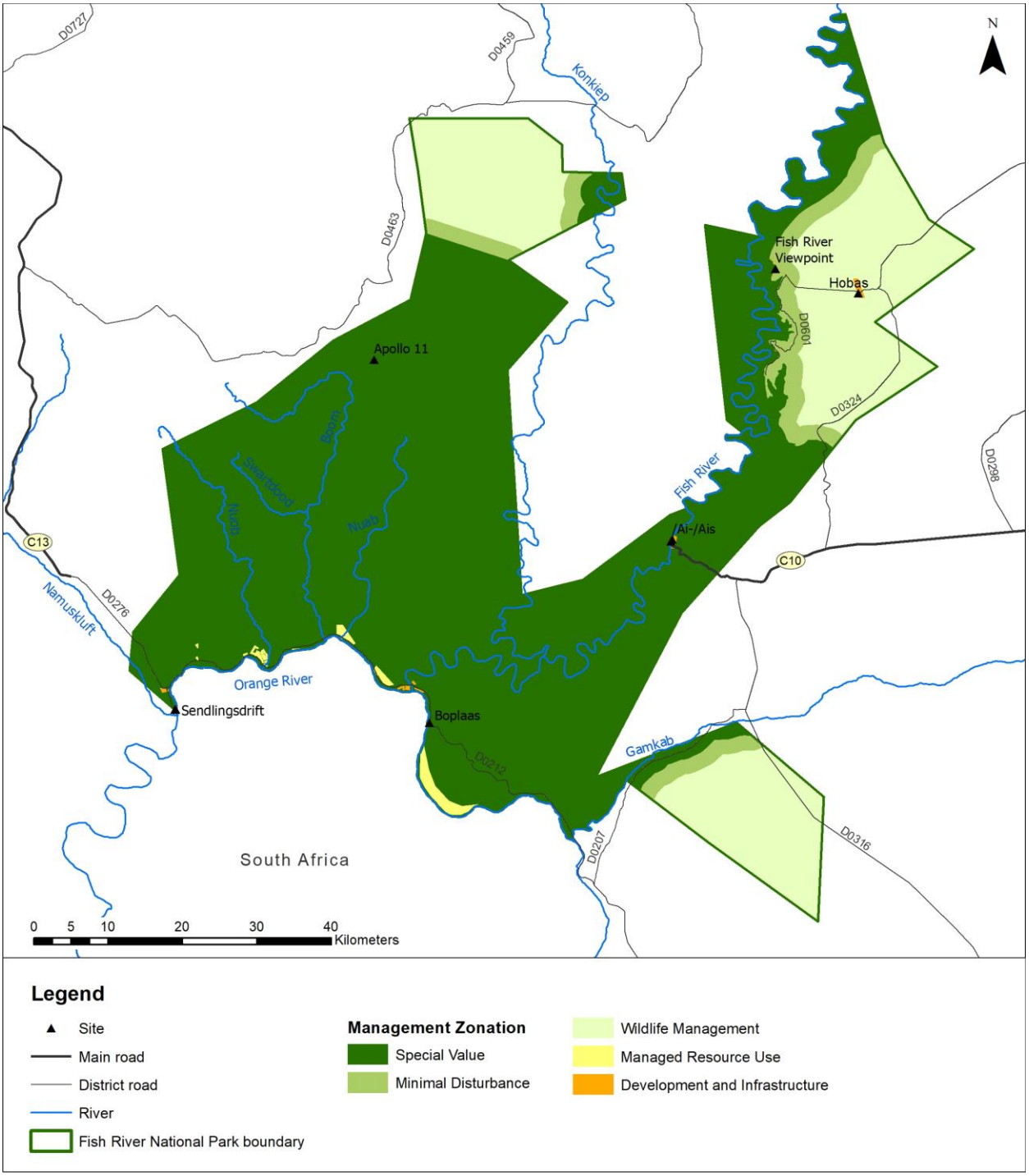
Size of Park: 4,300 km²

Rationale: The park (formerly /Ai-/Ais Hotsprings Game Park or referenced as the /Ai-/Ais National Park in the 2018 Policy) falls within the Succulent Karoo Biome which is a global biodiversity hotspot. There are many species of endemic plants and reptiles in the park which is part of the Western Gariep Centre of Endemism. It is probably the most species diverse protected area in Namibia, even more than the Tsau

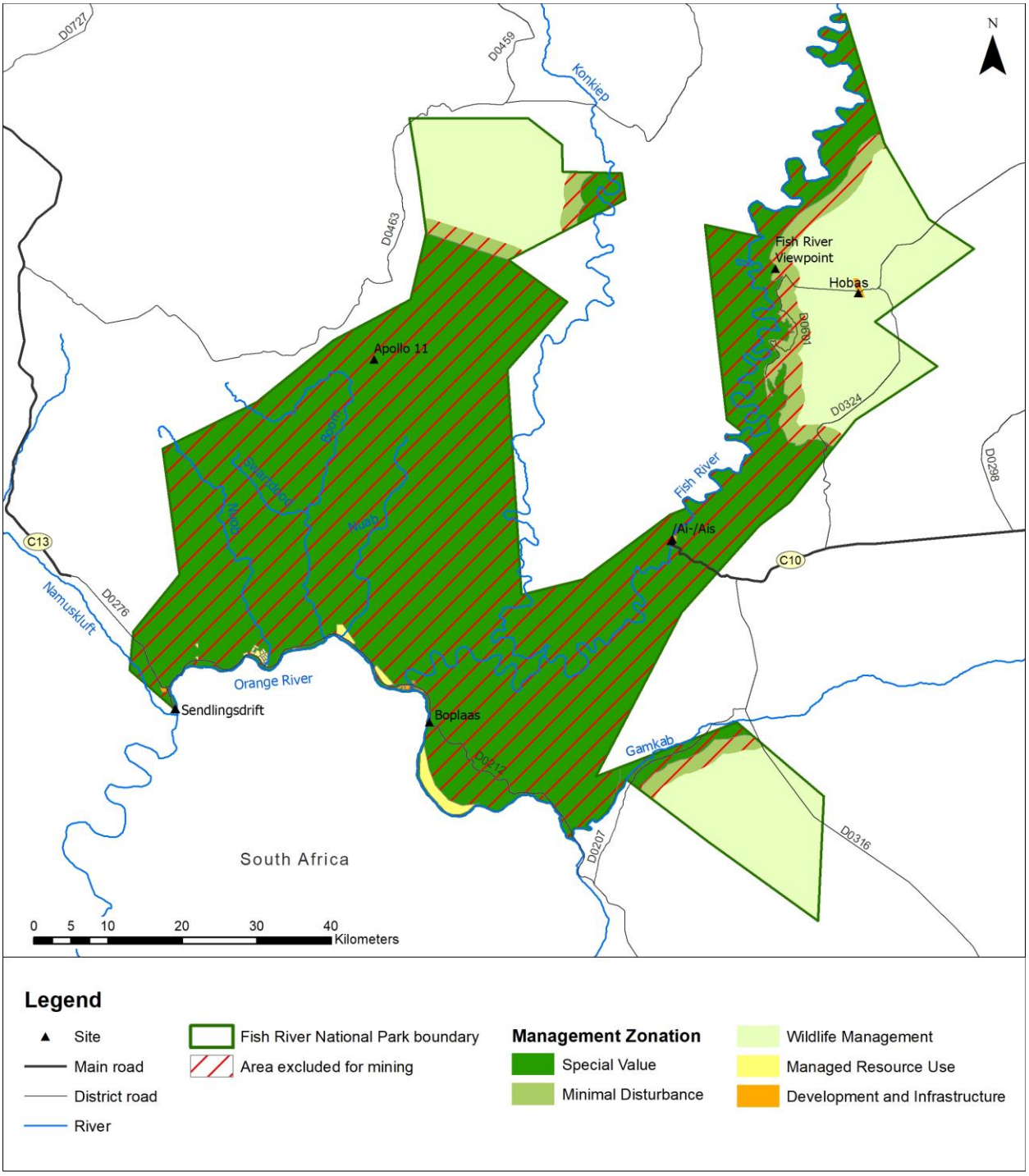
//Khaeb NP but much more research and surveying need to be done. The Fish River Canyon within the park is the second largest canyon in the world and is a very well-known tourist destination and boasts one of the most well-known and famous hiking trails in southern Africa. The park hosts one of the most important archaeological sites in the world, the Apollo 11 cave where the oldest decorative movable art was discovered. The park is a candidate for nomination as a World Heritage Site. Areas adjacent to the Orange River have been severely impacted by mining, and major rehabilitation activities will be required to restore the aesthetic value of the area for any future tourism development. In line with the National Heritage Act some areas may be used for heritage tourism. The Orange River valley area of the park represents a high biodiversity area but has been historically severely affected by exploration and mining without any rehabilitation by any of the mining companies that have repeatedly and evidently unsuccessfully explored the same area for diamonds.

The following areas therefore have been identified to be excluded from future prospecting and mining:

1. The Hunsberg-Namuskluft mountains and associated areas have the highest plant biodiversity and endemism in Namibia and is part of the Western Gariep Centre of Endemism of the Succulent Karoo Biome, one of only two biodiversity hotspots in southern Africa, which make these mountains an important part for inclusion in a future nomination as a World Heritage Site.
2. The Konkiep, Boom, Gamkab and Naub Rivers have high biodiversity value and potential for tourism and are ecologically important as they contain rare and endemic species, as well as holding archaeological sites of global importance which make these rivers an important part for inclusion in a future nomination as a World Heritage Site.
3. The Fish River Canyon (a National Monument) and areas close to the canyon including the northern areas should be excluded to avoid any irreparable damage to the canyon which might affect current and future prospects of tourism and nomination as a World Heritage Site.
4. The area around the scenic Fish River Mouth is an important wetland for a variety of wetland species including birds.
5. Existing tourist camps such as /Ai-/Ais and Hobas Tourist Camp have high tourism value and currently generate substantial income from tourism. A 30 km radius should be observed for any mining exploration activities. Additional tourism concessions are being planned.
6. Grootpens Island east of the Fish River has been earmarked as a potential lodge site.
7. The Gamkab River valley and River Mouth has huge potential for 4x4 tour activities and new MEFT gate and facilities have been constructed at the Gamkab River mouth.
8. All remaining undisturbed alluvial terraces with their unique and distinct biodiversity assemblages, to protect a small fraction of this habitat type which has been severely disturbed by mining on both sides of the Orange River.
9. All current exploration and mining license areas along the Orange River after expiry of the current licenses that will be included in tourism concessions with a focus on historical mining.



Map 3.1: Fish River National Park showing the park management zonation as per the park management plan 2024 - 2034



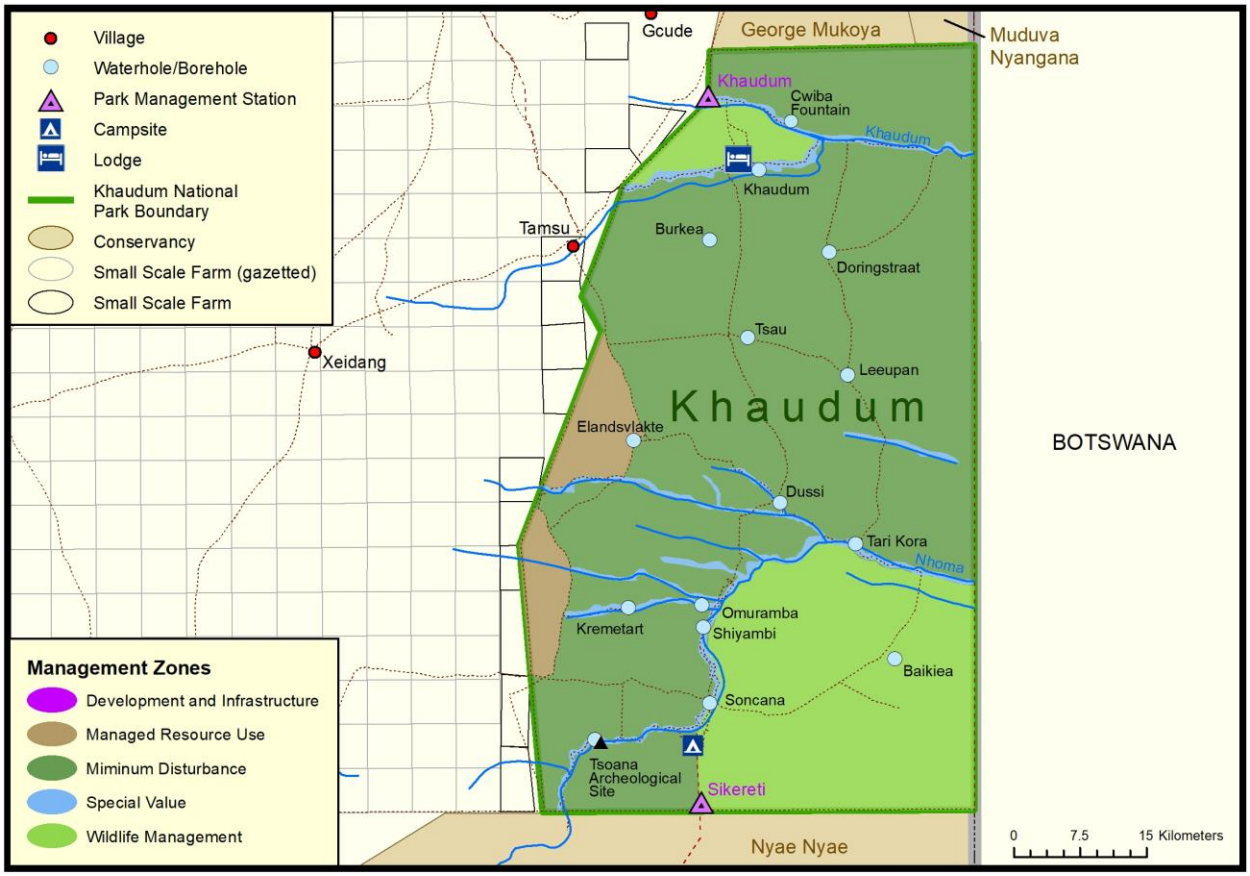
Map 3.2: Fish River National Park showing the excluded areas superimposed on the park management zones 2024 - 2034

4. Khaudum National Park

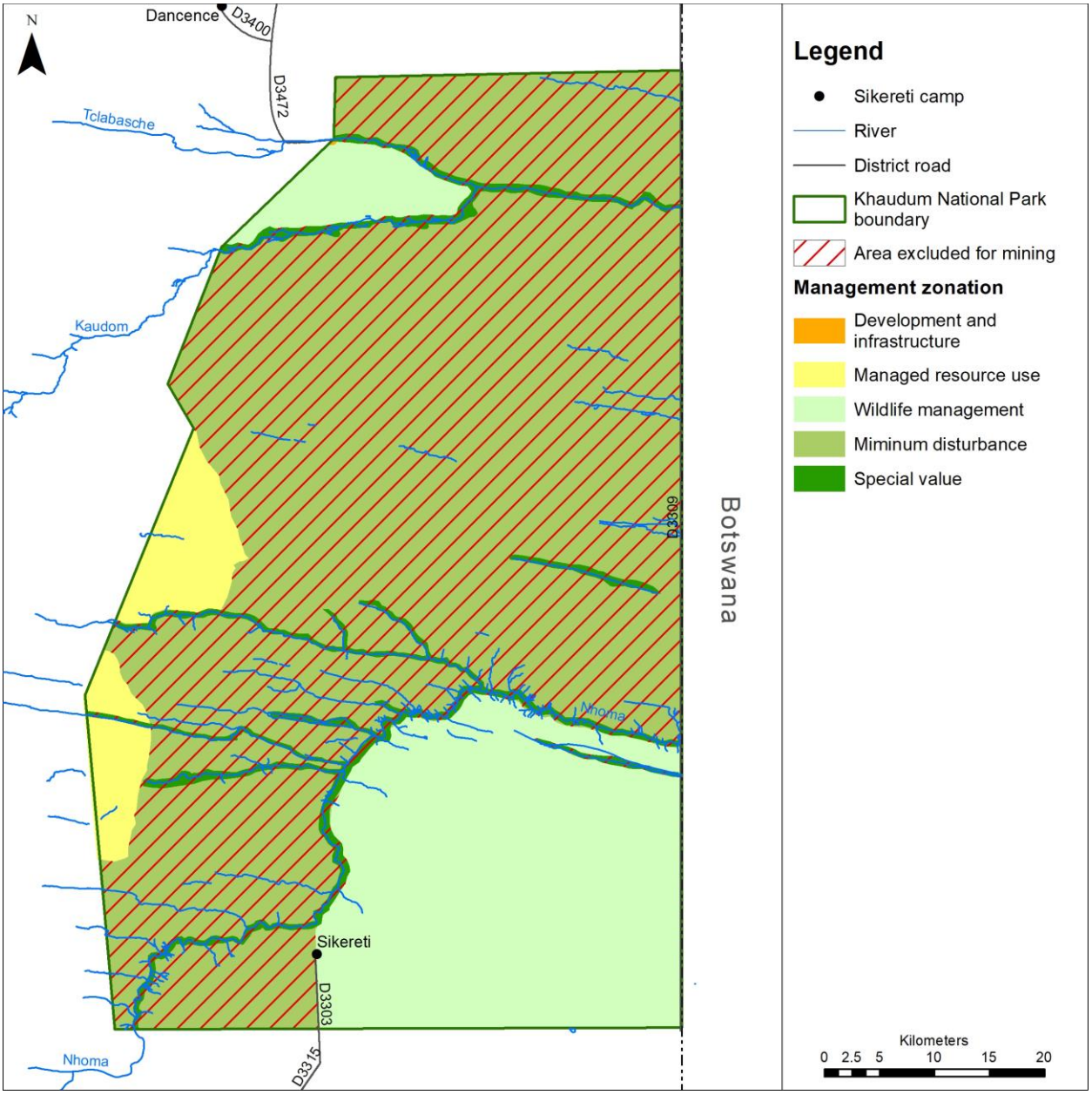
Size of Park: 3,860 km²

Rationale: The Park houses large populations of rare antelope species, such as roan antelope, that are of high economic value. The Tsoana Spring (located towards the south-western corner of the park) is considered a globally important archaeological site after the discovery of some of the oldest hand-tools from the Hominid period. The waterhole surroundings, as well as the entire Nhoma Omuramba from Soncana up to Nhoma Post in the Nyae Nyae Conservancy (bordering the Khaudum Park to the South) fall within this vitally important site. All the omuramba (seasonally flooded riverbeds) in the park (Quiba to the far north, Khaudum to the north and Nhoma to the east and south) are extremely important ecological sites because, depending on season and yearly rainfall, these omuramba act as migratory pathways for free-moving game. Besides the migratory importance, the omuramba also provide wildlife with vital nourishment in the form of acacia trees and shrubs as this type of vegetation is mostly lacking from other parts of the park. The Doringstraat and Leeupan waterholes to the east of the park are considered the stronghold for rare and endangered species in the park. Roan antelope are considered as extremely valuable and this antelope is mostly found in the areas mentioned above.

An estimated 450 roan antelope are concentrated around these waterholes. As this is a fragile area with very area- and vegetation-specific species, it is of great importance to leave these areas undisturbed so as to promote population increase.



Map 4.1: Khaudum National Park showing the park management zonation as per the park management plan 2020 - 2030



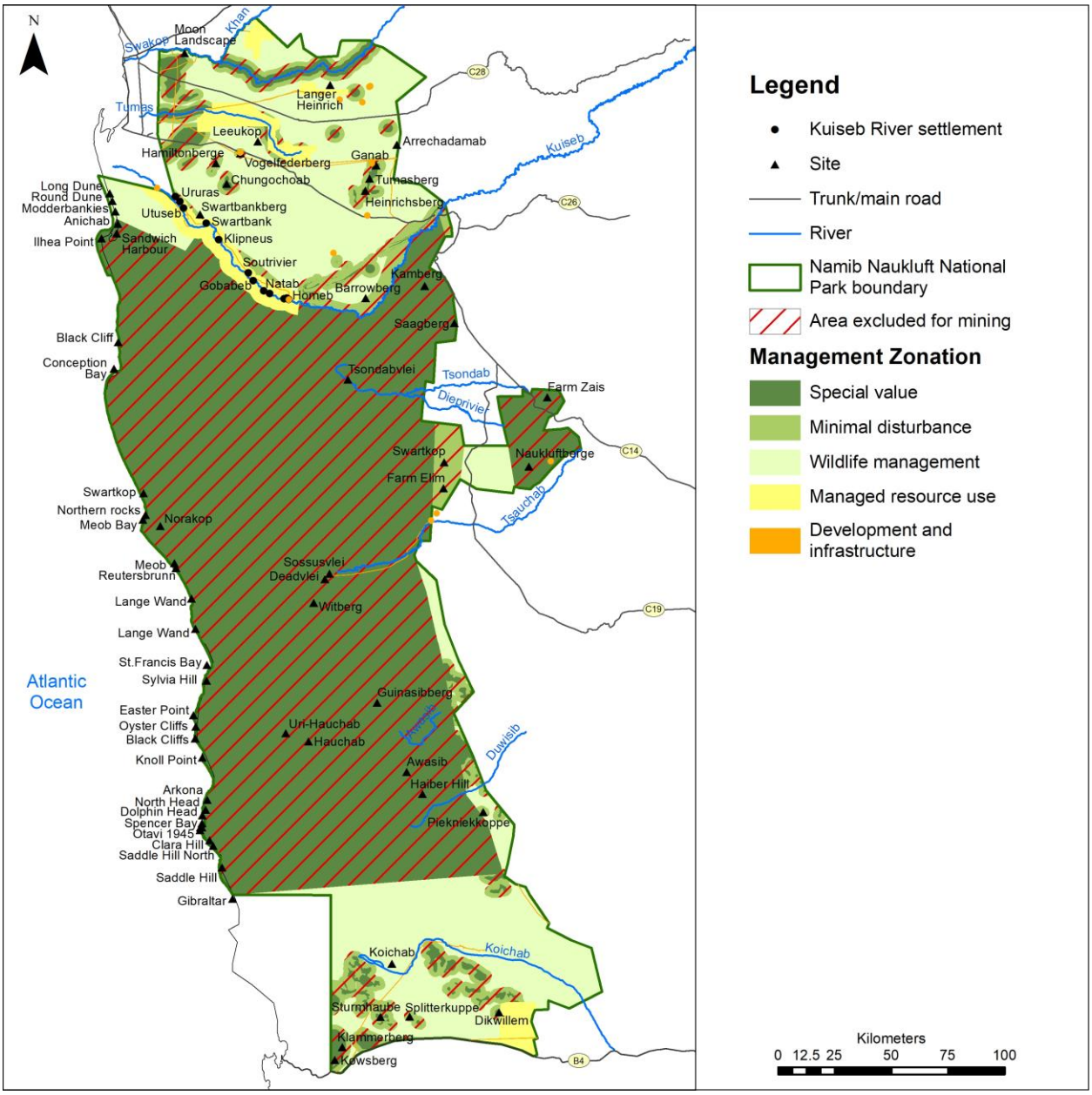
Map 4.2: Khaudum National Park showing the excluded areas superimposed on the park management zones as per the park management plan 2020 - 2030

5. Namib-Naukluft National Park

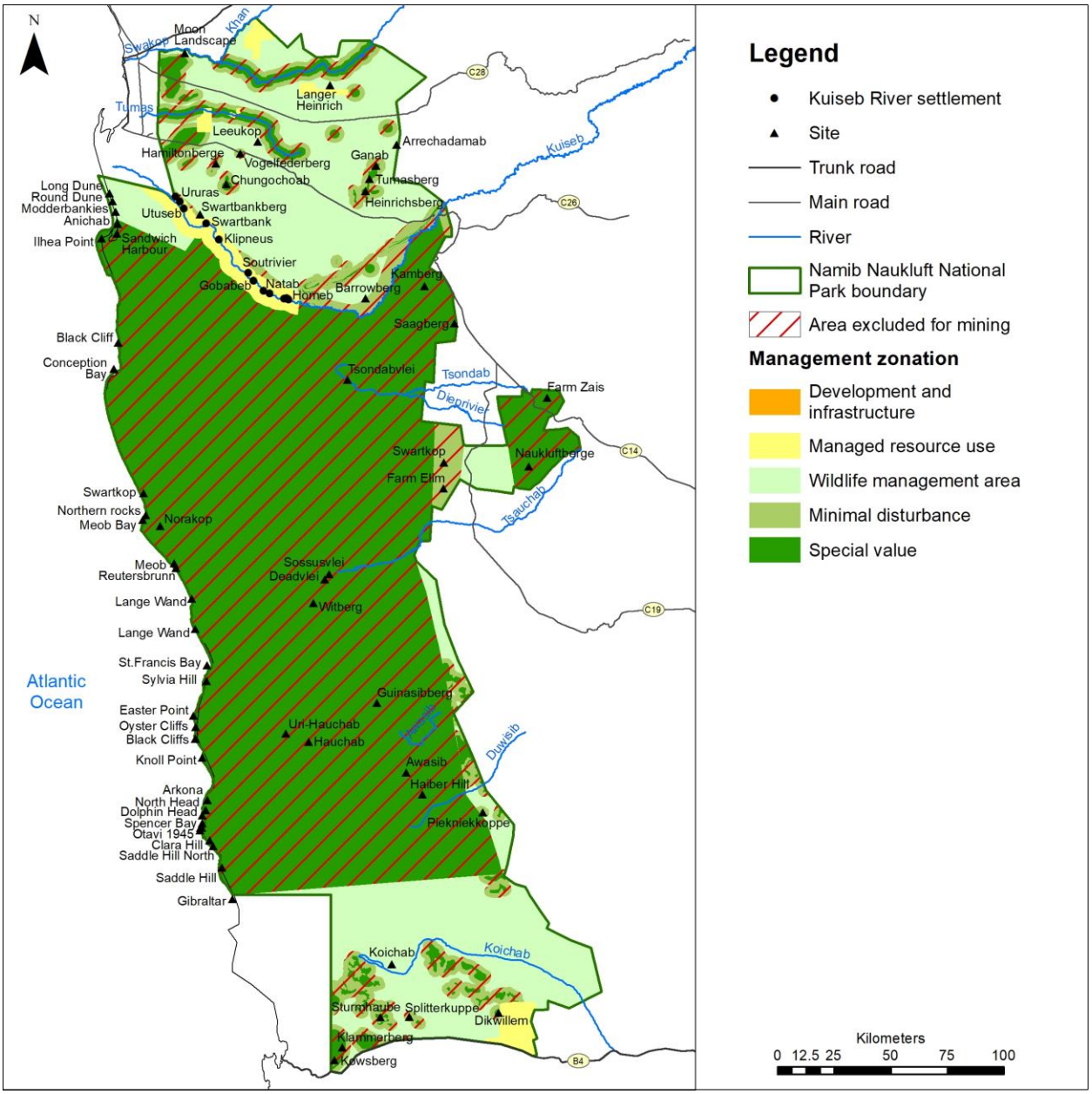
Size of Park: 50,955 km²

Rationale: The park protects large portions of some west-flowing rivers as well as the sensitive ecosystems of the Namib and Pro-Namib. The entire sand sea part of the park has been declared a World Heritage Site which gives it special international status. Sandwich Harbour, one of Namibia's Ramsar sites and global Important Bird Area No. 15, is located within the park. The entire park is considered a globally important bird area.

The park generates approximately N$ 20 million per annum which makes it the second biggest tourist destination in Namibia, and it has still unexploited tourism potential. It has one of the most scenic coastlines on the planet. The northern section of the Namib Naukluft is a very sensitive area with gypsum crusts covering 80% of the area. This makes the area very sensitive for vehicular traffic, and tracks made never recover even with rehabilitation afterwards. This area also has a unique vegetation and wildlife species including reptiles and avifauna many of which are endemic to the Namib Desert. The gravel plains south of the C14 road, and a 40-60 km width of plains north of the Kuiseb River are very important as this is where the internationally renowned Gobabeb Training and Research Centre is located, and the area is also inhabited by the Topnaar community who have lived here for centuries.



Map 6.1: Namib-Naukluft National Park showing the park management zonation as per the park management plan 2022 - 2032



Map 6.2: Namib Naukluft National Park showing the excluded areas superimposed on the park management zones as per the park management plan 2022 - 2032

6. Dorob National Park

Size of Park: 7,380 km²

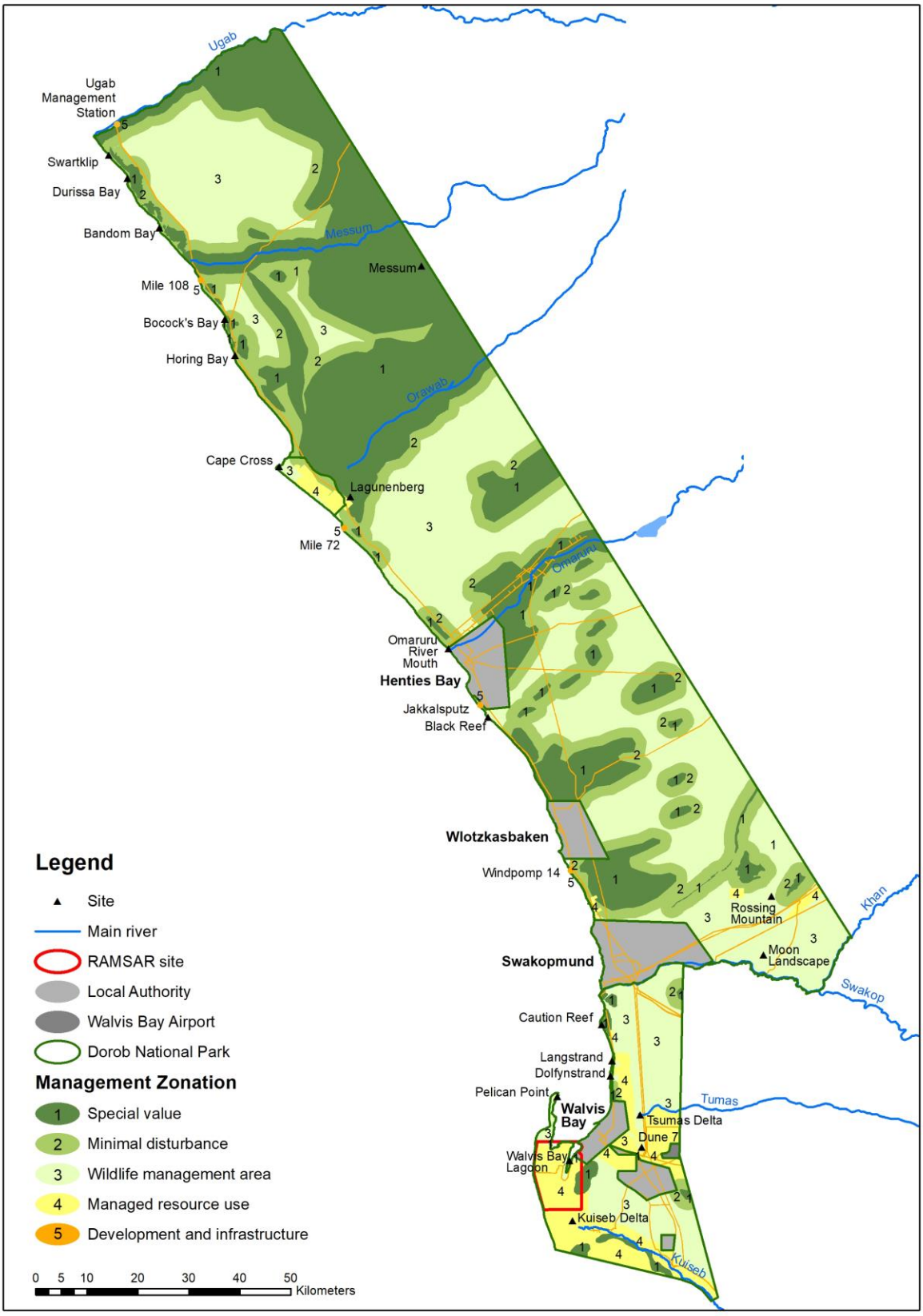
Rationale: The Dorob National Park comprises the most sensitive portion of the Namib Desert with vast gravel plains, inselbergs and dolorite dykes. Unique geological features like the Messum Crater and Lagunenberg and unique fauna and flora exist in this area. The Messum Crater and surrounding areas

stretching to the Ugab River have some of the largest Welwitschia plants in the world. Welwitschias are also more abundant over a larger area in the park than anywhere else in Namibia. Many tours pass daily through this area to view the Welwitschias, the Messum Crater and some important archaeological sites. Because of the Welwitschias, the Messum Crater is on Namibia's tentative list for proclamation as a World Heritage Site.

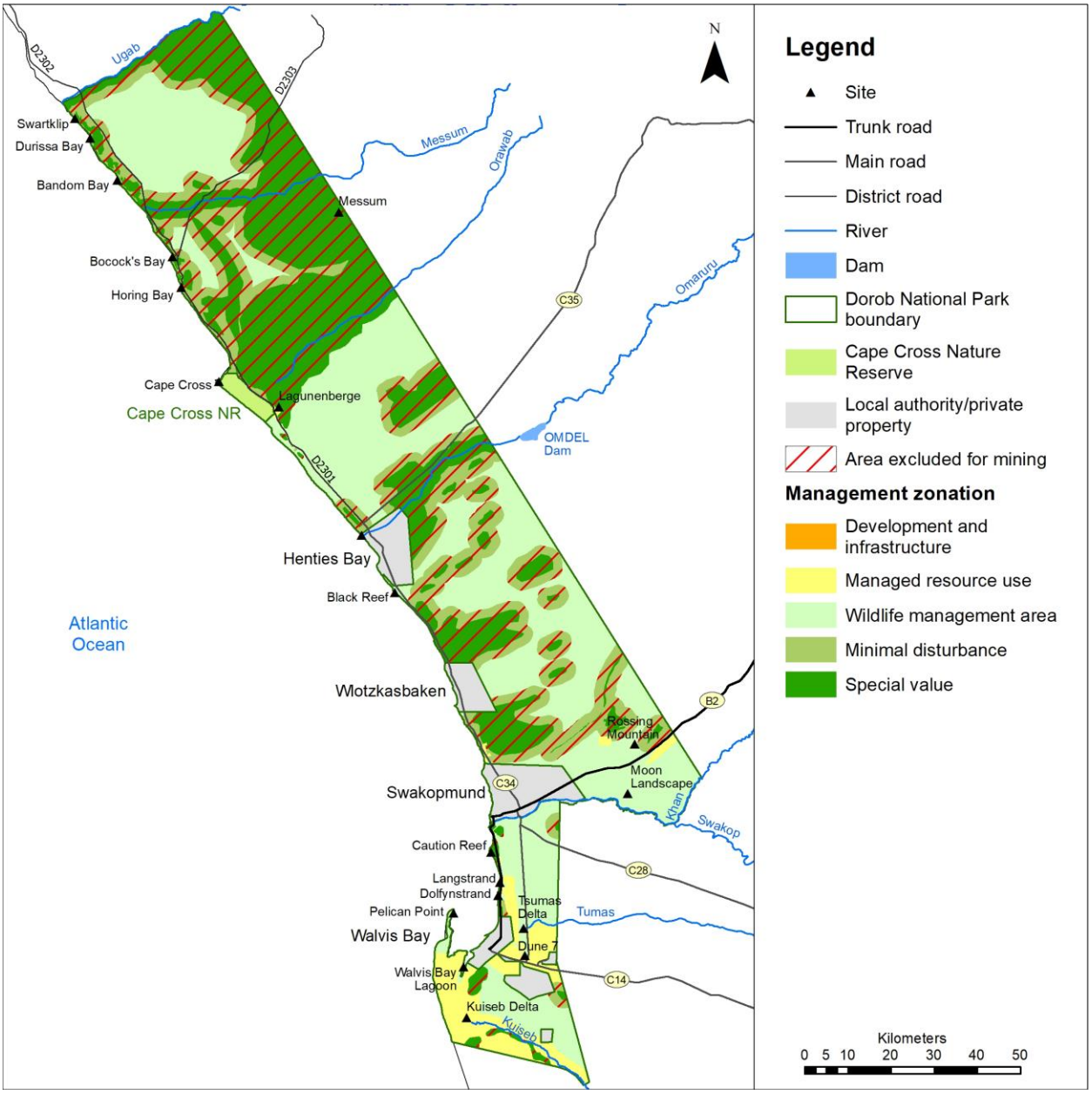
Internationally recognized lichen fields, including over 100 species and large expanses of various species, occur especially east of Cape Cross and east of the coastline between Mile 8 and Henties Bay. Species like *Teloschistes capensis* exist in concentrations not found anywhere else in the world.

The raised banks north of the Omaruru River mouth host various species of vegetated coastal hummocks with various species of mammals including rodent species of the *Gerbillurus* genus, endemic to the area.

Damara terns nest in 13 different loose colonies along the coast at a distance between 2 to 8 kilometres from the sea. The most important one in terms of numbers of breeding pairs is the colony at Durissa Bay. As this species requires a special mix of conditions, climate variability together with other factors is affecting the locations of these colonies. The other colonies are in the areas of the Ugab mouth, and at Mile 108, Horing Bay, Cape Cross, Mile 72, Henties Bay, Mile 30, and Mile 14.


Ugab
Ugab Management Station
Swartklip
Durissa Bay
Bandom Bay
Messum
Messum
Mile 108
Bocock's Bay
Horing Bay
Orawab
Cape Cross
Lagunenberg
Mile 72
Omaruru
Omaruru River Mouth
Henties Bay
Jakkalsputz
Black Reef
Wlotzkasbaken
Windpomp 14
Rossing Mountain
Moon Landscape
Khan
Swakopmund
Swakop
Caution Reef
Langstrand
Dolfynstrand
Pelican Point
Walvis Bay
Tsumas
Tsumas Delta
Dune 7
Walvis Bay Lagoon
Kuiseb Delta
Kuiseb
Legend
Site
Main river
RAMSAR site
Local Authority
Walvis Bay Airport
Dorob National Park
Management Zonation
1 Special value
2 Minimal disturbance
3 Wildlife management area
4 Managed resource use
5 Development and infrastructure
0 5 10 20 30 40 50
Kilometers

Map 7.1: Dorob National Park showing the park management zonation as per the park management plan 2022 - 2032



Map 7.2: Dorob National Park showing the excluded areas superimposed on the park management zones as per the park management plan 2022 - 2032

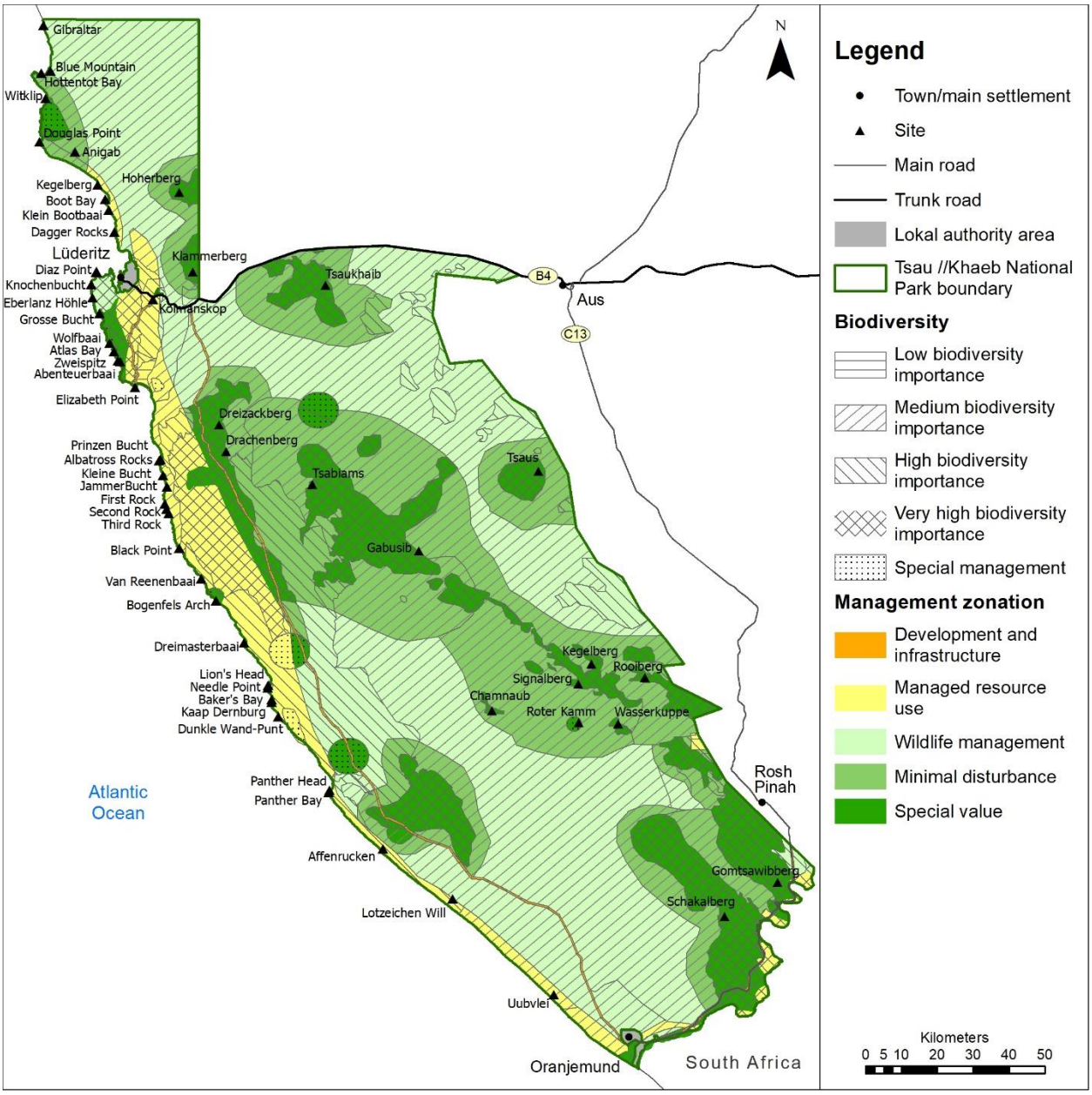
7. Tsau //Khaeb National Park

Size of Park: 21,750 km² [1]

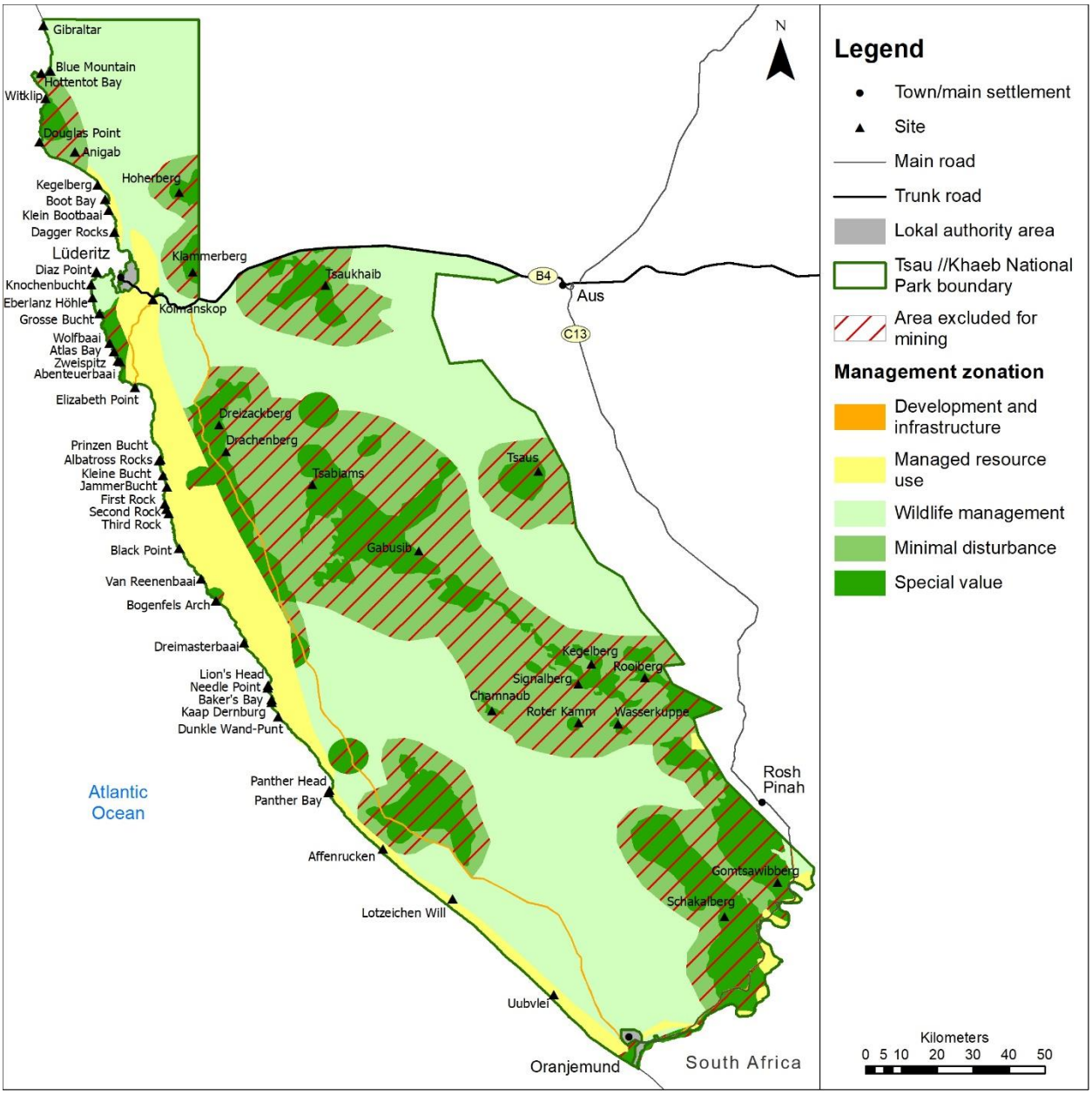
Rationale: The Tsau //Khaeb National Park (TKNP) covers about 90% of the Succulent Karoo Biome in Namibia. The Succulent Karoo Biome is internationally recognized as one of the global biodiversity hotspots and contains many species of endemic plants. The park is thus recognised as a priority area for conservation. The entire area is considered a global Important Bird Area. At the same time, and because of the historical diamond mining activities, the park has a rich industrial heritage. Having been inaccessible to the public for a century and free of land-use activities such as livestock farming, the park presents an area of high importance for conservation, tourism and research.

Areas which were found to have very high conservation importance are (in no order): Lüderitz Peninsula dwarf-shrubland, Kowisberge and Tsaukhaib dwarf shrubland and Grillental corridor shrubland. In addition the following inselbergs and mountain shrublands were also rated as of high conservation importance: Klinghardt, Heioab, Boegoeberg, Rooiberg, Aurus, Obib and Schakalsberge. Based on studies, the following areas within the SNP were identified as areas of greatest importance for plant endemism: Lüderitz- Kowisberge, Klinghardt Mountains, Aurus- Heioab mountains, Skorpion, Obib-Schakalsberge, Grillental and central coastal area (Bakers Bay to Pomona). These areas are extremely sensitive and take more than 10 years to re-establish plant cover and composition similar to that prior to the disturbance. Depending on the severity of the disturbance some areas may never recover, especially where the substrate has been chemically or physically altered.

Although closed to the public for more than a century the TKNP has high tourism potential. A number of viable low impact tourism options have been identified in the park. The TKNP offers: tranquil unspoiled wilderness, rare and endemic species, natural monuments such as Roter Kamm and Bogenfels, seal colonies, historical artefacts and structures such as ghost towns, 4x4 desert drive opportunities, a Ramsar Site and river adventures. A tourism plan has been developed and new tourism concessions have been identified.



Map 8.1: Tsau //Khaeb National Park showing the park management zonation as per the park management plan 2020 - 2030



Map 8.2: Tsau //Khaeb National Park showing the excluded areas superimposed on the park management zones as per the park management plan 2020 - 2030

8. Skeleton Coast National Park

Size of Park: 16,845 km²

Rationale: The Park covers about 500 km of coastline and the floodplains/wetlands of many west-flowing rivers. These rivers form linear oases that provide important feeding and breeding grounds for many animals including elephant, black rhinoceros, giraffe and some antelope species. The Kunene River mouth forms one of only two permanent estuaries in Namibia. It is in fact a river mouth with no marine or saline influence making it unique on the west coast of southern Africa. It is also therefore extremely sensitive to human impacts. The Kunene River mouth is a sub-regional Important Bird Area and harbours unique biodiversity. The Kunene mouth is the only southern African locality where the freshwater Nile soft shelled turtle occurs.

Gravel plains throughout the park support significant numbers of breeding Damara terns. These threatened seabirds breed almost solely on the coastal gravel plains in the Namib Desert. The gravel plains are highly fragile due to the presence of gypsum soil crusts and lichens. Offroad driving has caused serious damage, and a restoration programme is included in the park management plan. The same applies to abandoned mines.

The littoral zone from Terrace Bay to the Kunene is unique in that it is the area influenced by the tropical Angolan current, it could almost be considered an ecotone between the Benguela and Angolan currents. Many littoral species are unique to this zone. The littoral zone is fringed on the eastern side by an intermittent cordon of vegetated dune hummocks. These hummocks are generally *Salsola* spp., shrubs covered with sand thus forming a stable hummock.

With the decline of food in southern Namibia there has been a shift of Cape fur seals to the Skeleton Coast with new colonies forming at Toscanini, Palgrave Point and Möwe Bay. The long-established colony at Cape Fria has greatly increased in size.

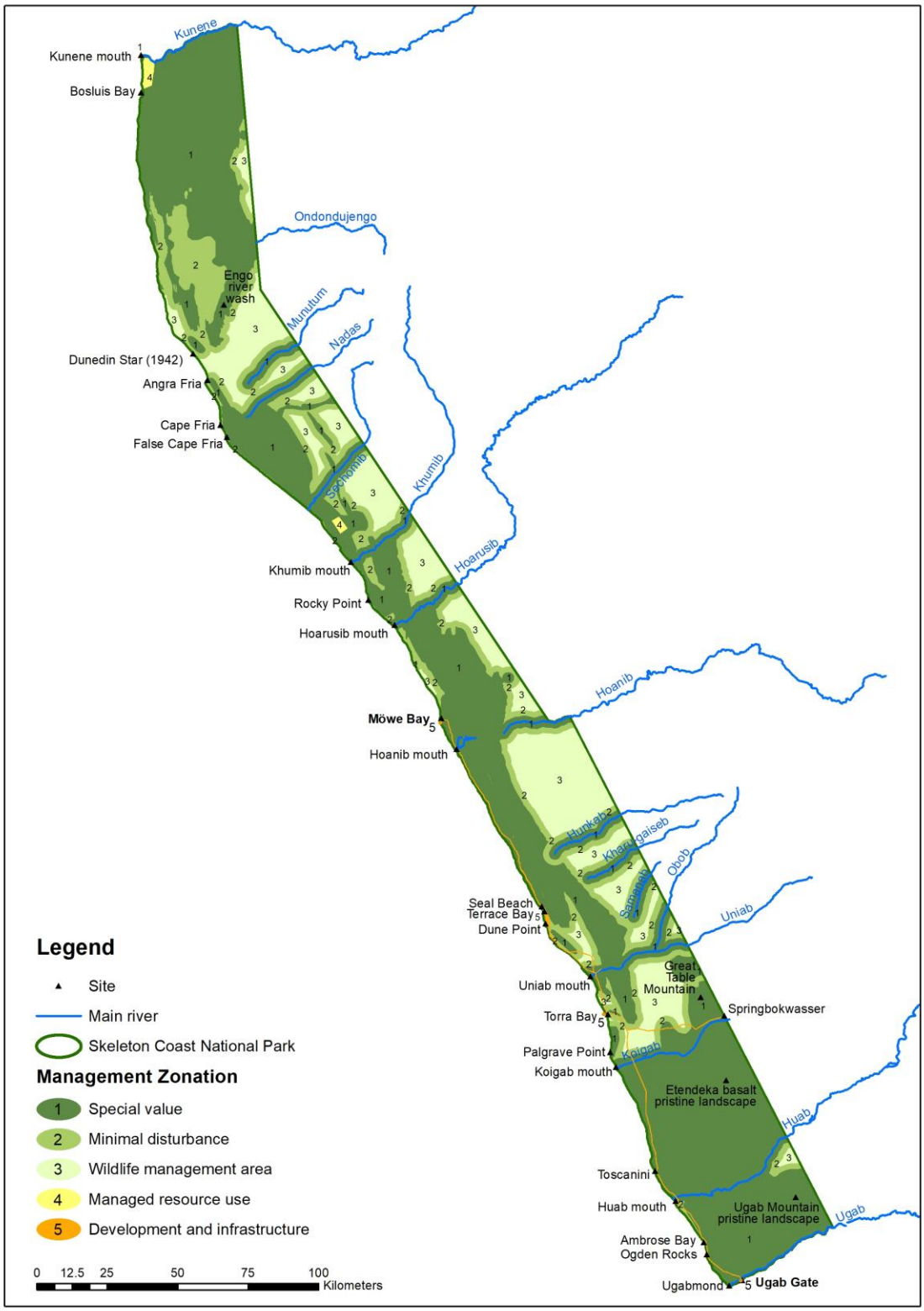
There are also many unique landscapes with very high tourism potential. The Park is an iconic and internationally renowned tourism destination and identified tourism concessions when fully implemented will generate more than N$ 10 million a year to Government.

The Uniab Delta has been identified by international experts as a unique and geologically interesting and important alluvial fan that requires total protection.

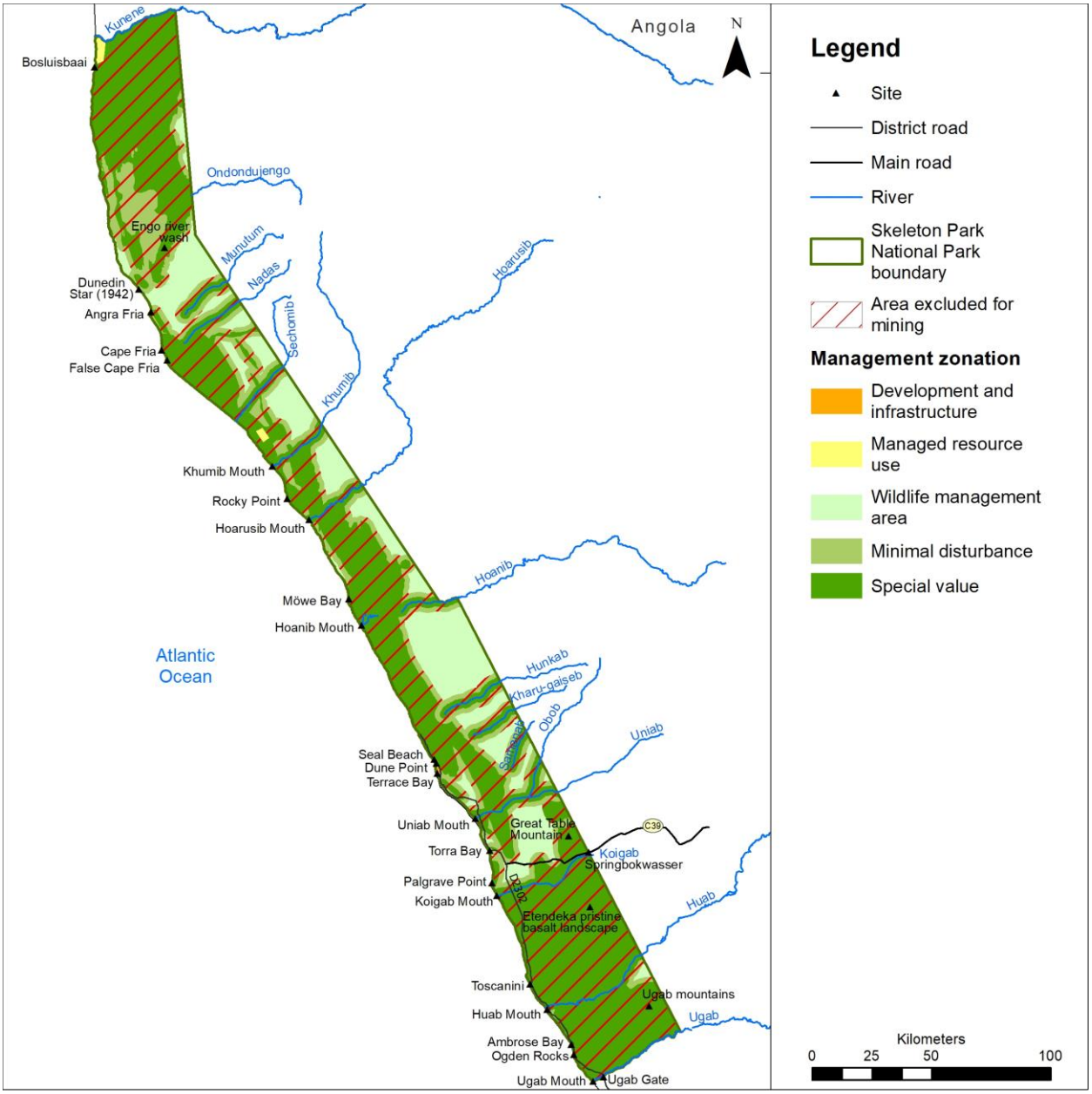
There is a rich archaeological and historical heritage in the park. A settlement with whale bone shelters at the Ugab River is a unique site in southern Africa. The coast from the Sechumib River to about 80 km north of Angra Fria is rich in historical artifacts. This stretch of coast is littered with the remains of sailing ships dating back 500 years. Recent wreck surveys conducted along this coast indicate that this area is of great historic value.

The Kunene River mouth forms one of only two permanent estuaries in Namibia. It is in fact a river mouth with no marine or saline influence making it unique on the west coast of southern Africa. It is also therefore extremely sensitive to human impacts. The Kunene River mouth is a sub-regional Important Bird Area and harbours unique biodiversity. The Kunene mouth is the only southern African locality where the freshwater Nile soft shelled turtle occurs.

No new prospecting or mining should be considered in this national park that has been the site of speculative exploration and alleged international investment speculation, without an independently done cost-benefit analysis based on verifiable information on mineral potential and past production versus the biodiversity and tourism values of the park. The park represents possibly the most sensitive and most scenically attractive part of Namibia and prospecting and mining must as far as possible be avoided unless in absolute national interest.



Map 9.1: Skeleton Coast National Park showing the park management zonation as per the park management plan 2022 - 2032

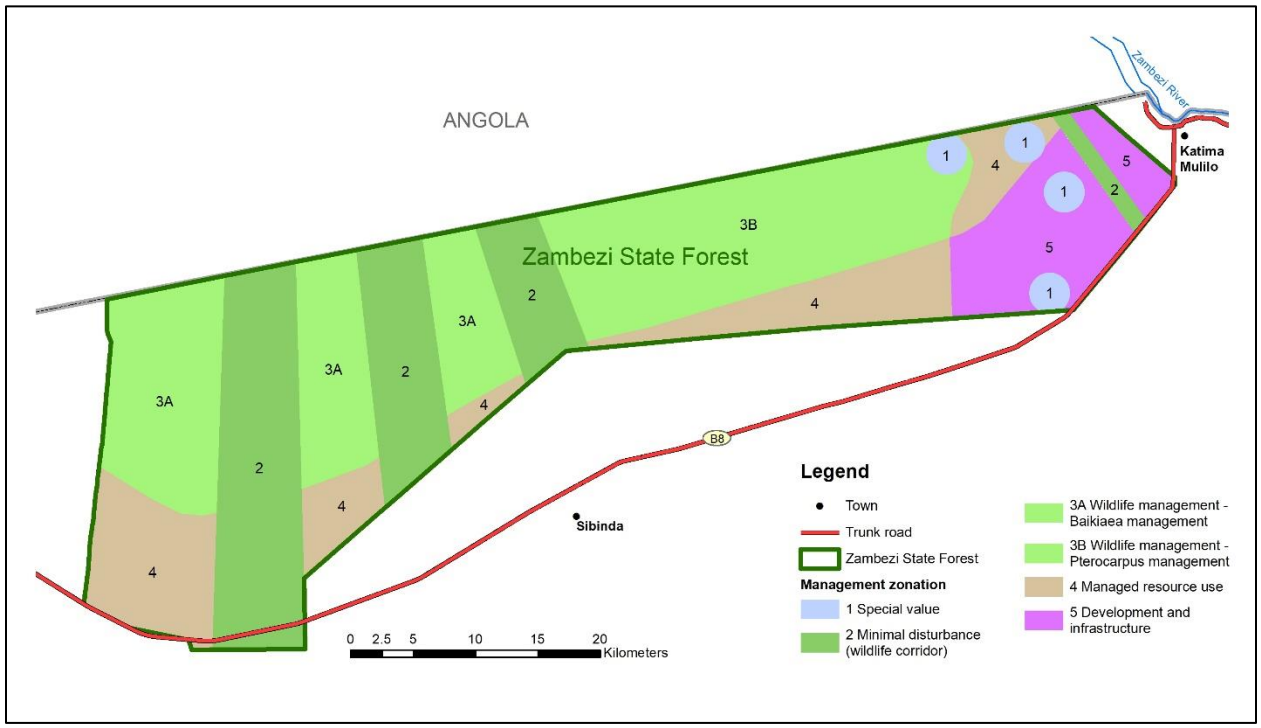


Map 9.2: Skeleton Coast National Park showing the excluded areas superimposed on the park management zones as per the park management plan 2022 - 2032

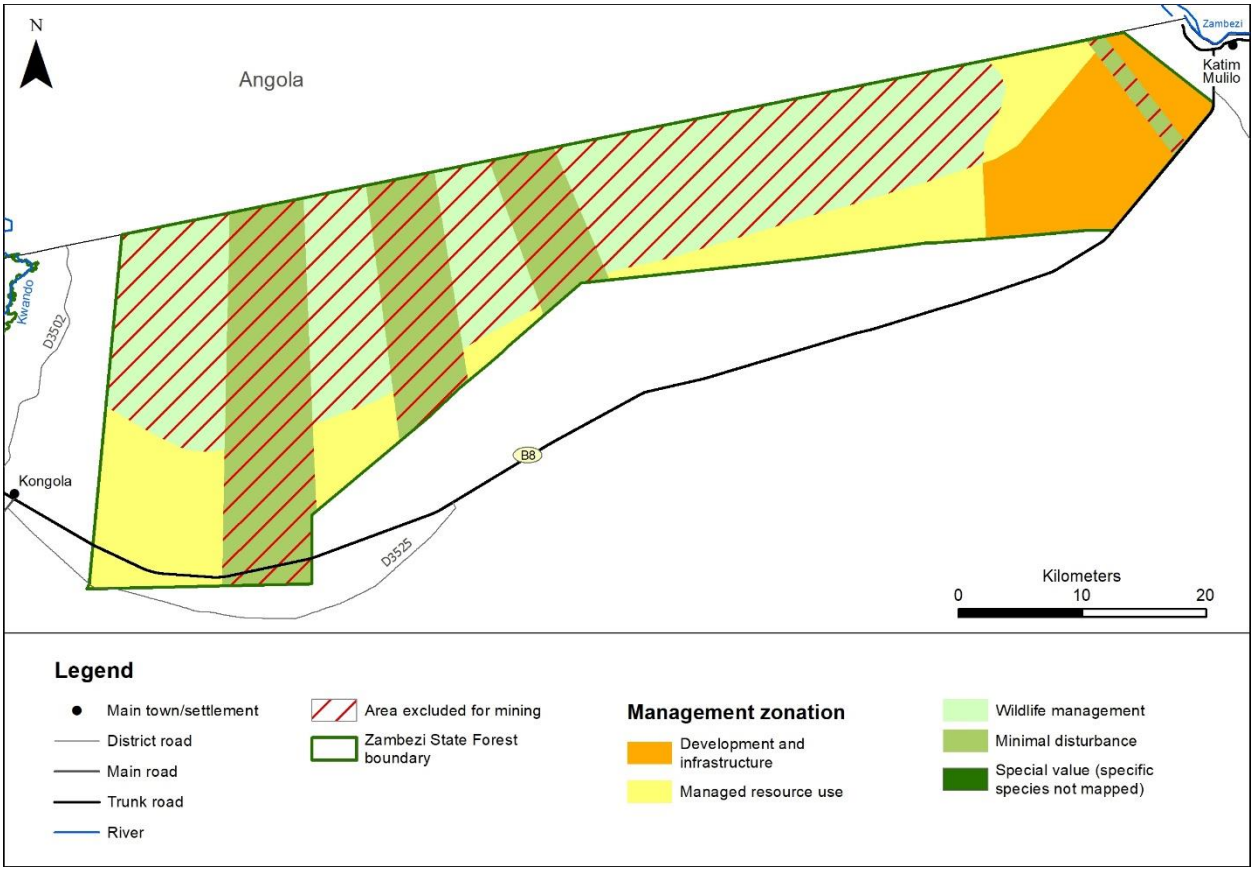
9. Zambezi State Forest

Size of the State Forest: 1,446 km²

Rationale: The Zambezi State Forest was very recently proclaimed (15 May 2023) and consists primarily of mature broadleaf woodland holding several nationally rare, endangered and protected trees species. It is also an extremely important wildlife corridor right at the heart of the Kavango-Zambezi Conservation Area. It is a relatively small and narrow area that is not suitable for prospecting and mining because of its important biodiversity conservation role after much publicized illegal harvesting of hardwood timber resources in northeastern Namibia. It is administered by the Directorate of Forestry in the Ministry of Environment, Tourism and Forestry.



Map 10.1: Zambezi State Forest showing the proposed park management zonation as per the park management plan 2023 - 2033



Map 10.2: Zambezi State Forest showing the excluded areas superimposed on the park management zones as per the park management plan 2023 – 2033

ANNEX 4: Protected area management zonation categories

The following zones with permissible activities have been agreed upon as the guiding zonation for Namibia's protected areas (MEFT 2019). Exploration and mining are not permissible in Special Value Zones, Minimal Disturbance Zones and Wildlife Management Zones.

N	No
M	Maybe
Y	Yes

		Access for park management purposes	Research	Guided / informed visitation	Two track access	Overnight visitors	Self guided access	Roads (tarred and gravel)	Mobile tourism or management camps	Residents	Consumptive utilization, both commercial and subsistence	Exploration and mining	Permanent infrastructure
Special value	These zones include natural, cultural heritage and/or scenic features of high conservation value which require very strict protection and may need specific and relatively intensive management interventions to ensure their persistence and preservation within the protected area.	Y	Y	M	M	N	N	N	N	N	N	N	N
Minimal disturbance	These are areas within which ecosystem functionality has been retained, is largely unmodified and has the capacity to persist and support related biodiversity with minimal management intervention.	Y	Y	Y	M	M	M	M	N	N	N	N	N
Wildlife management area	The management interventions common to these zones will be focused on the enhancement and maintenance of a broad spectrum of wildlife populations, both flora and fauna.	Y	Y	Y	Y	Y	Y	Y	Y	M	M	N	N
Managed resource use	The management interventions common to these zones will be focused primarily on the enhancement and maintenance of the consumptive use opportunities inherent in ecosystems, habitats and specific biodiversity features.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Development and infrastructure	These zones provide for the infrastructure needed for park management as well as tourism and recreation opportunities. The primary purpose is to contain the developments and related activities, to ensure that they are compatible and that their negative impacts on the protected area are minimized.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

1. Special Value Zone

Purpose

These zones include natural, cultural heritage and/or scenic features of high conservation value which require very strict protection and may need specific and relatively intensive management interventions to ensure their persistence and preservation within the protected area. Such management actions may include restoration and rehabilitation if there is a history of incompatible use and/or over utilization.

Permitted activities

Access to these zones is possible but must be determined according to their vulnerability to disturbance. In cases where a Special Value Zone is deemed to be too vulnerable to disturbance, access must be limited to that which is necessary for management, monitoring and research actions only. Seasonal limits will imply temporal zoning as well as spatial.

Where visitation is possible, it must be strictly controlled. Ideally visitors to these zones should be accompanied by a trained and accredited guide. Self-guided access must be facilitated through the provision of information prior to departure to the site; clear signage at the site providing interpretation as well as directions in terms of acceptable behaviour related to the site values; clear access routes, basic ablutions (composting toilets), resting and viewpoints; and where necessary barriers, pathways and/or raised board walks to limit and control access.

Description

Generally these zones will have limited extent and discrete boundaries which are easily identifiable and mapped, but in the case of areas of scenic value it is likely that the extent would be greater and the boundaries would relate to the viewshed required to encompass the high value scenery. In certain circumstances where these zones may conflict with an adjacent zone, (e.g. a Managed Resource Use Zone), they can be buffered to some extent.

Examples

Examples of Special Value Zones are habitats for species of high conservation significance; key breeding sites; areas representative of threatened ecosystems such as riverine forest, springs and wetlands; sacred sites important for the preservation of historical or living heritage values; scenic vistas which have relevance in terms of a sense of place.

Benefits

The benefits of these zones will include those ecosystem services common to the supporting (biodiversity) and cultural service categories (sense of place, aesthetic and spiritual values, tourism, research and education).

2. Minimal Disturbance Zones

Purpose

These are areas within which ecosystem functionality has been retained, is largely unmodified and has the capacity to persist and support related biodiversity with minimal management intervention.

Permitted activities

Management interventions should be limited to safety and security requirements, access control, research and monitoring, but could include restorative interventions where necessary. Roads and all forms of infrastructure should be excluded with both management and visitor access limited to foot and/or horseback. Access should be contained through the provision of walking/hiking trails with both management and visitors carrying all that is needed to sustain their visit, both into and out of the area. This will include all equipment necessary for camping and the preparation of food and beverages. The making of fires should be discouraged unless they are required as a precaution against potential human-wildlife conflict. In such cases the collection of fuel wood should be over a disbursed area and of a volume that is the minimal requirement to maintain a small fire throughout the night. No other forms of consumptive utilisation will be allowed in these zones.

Description

Generally these zones will be larger areas with little to no existing development or disturbance, and which lend themselves to very low impact activities, in order to retain the sense of place.

Examples

Examples of this zone are those large tracts of undisturbed and self-regulating land or sea which retain wilderness qualities and provide the visitor with a true wilderness experience, such as portions of Waterberg Plateau, the sand seas of the Namib Naukluft NP, the rugged mountainous areas of the Fish River NP and the Etosha pan itself.

Benefits

The benefits of these zones will include those ecosystem services common to the supporting services (biodiversity, photosynthesis, nutrient cycling and soil formation), cultural services (sense of place, aesthetic and spiritual values, tourism, research and education), regulatory services (drought mitigation, erosion control, carbon storage and sequestration, flood attenuation, water purification, climate regulation and pollination) and provisioning services (fresh water and fuel wood).

3. Wildlife Management Zones

Purpose

The management interventions common to these zones will be focused on the enhancement and maintenance of a broad spectrum of wildlife populations, both flora and fauna. Even though these zones are not as strictly controlled as the preceding zones, the persistence of these populations will be indicative of the overall ecological health of the protected area. Both consumptive and non-consumptive use may be accommodated. In order to achieve this, these zones may be further zoned on a temporal basis so as to accommodate apparently conflicting uses such as photographic and hunting safaris. Manipulative interventions such as the controlled use of fire, artificial water provision and mineral licks, the control of population demographics either through reintroductions or off-takes, and the maintenance of genetic vigour would be acceptable in these zones.

Permitted activities

Levels of use must be carefully determined and closely monitored to ensure that they remain within limits of potential concerns. In this regard it must be emphasized that both consumptive and non-consumptive use hold potential negative impacts and must be strictly controlled.

The development and maintenance of infrastructure necessary to support and facilitate management interventions; such as roads, communication towers, anti-poaching facilities (outposts), and access control points may be accommodated in these zones. Infrastructure to support and facilitate visitor access may also be accommodated and may overlap to some extent

with management infrastructure, particularly access roads. Such infrastructure may also include small scale high-end tourism products such as luxury fly camps managed under concession agreements, picnic and small public camping areas, rest stops inclusive of ablution facilities (composting toilets) and small-scale food and beverage outlets. Visitor access may be guided but self-guided access may be the dominant form.

Description

The extent and locality of these zones may require a trade off with the Minimal Disturbance Zones and this will depend on the size and configuration of the protected area, as well as the prevailing socio-economic dynamics that influence its management. Where it is deemed necessary for a particular protected area to generate tangible benefits, the Wildlife Management Zones may have the potential of achieving this more so than the Minimal Disturbance Zones, and therefore a trade-off would be required. However, in large and ideally configured protected areas both zones could co-exist.

Examples

The Etosha National Park already has a substantial portion to the south and south east of the Etosha Pan which hosts facilities and activities related to relatively intensive self-guided nature-based tourism consistent with a Wildlife Management Zone, whereas the northern and north western portions potentially meet the criteria of the Minimal Disturbance Zone.

Benefits

The benefits of these zones will include those ecosystem services common to the supporting services (biodiversity, photosynthesis, nutrient cycling and soil formation), cultural services (sense of place, aesthetic and spiritual values, tourism, recreation, research and education), regulatory services (drought mitigation, erosion control, carbon storage and sequestration, flood attenuation, water purification, climate regulation and pollination) and provisioning services (fresh water, live game, venison and trophies).

4. Managed Resource Use Zones

Purpose

The management interventions common to these zones will be focused primarily on the enhancement and maintenance of the consumptive use opportunities inherent in ecosystems, habitats and specific biodiversity features. Some non-consumptive opportunities may still be accommodated in these zones which are likely to be located on the periphery of the protected areas and adjacent or in relatively close proximity to beneficiary communities.

The conservation value of these zones will be less than the preceding three zones, but levels of utilisation will still need to be strictly controlled in order to ensure that thresholds of potential concern are not exceeded and that the capacity of the natural resource base retains its ability to deliver the suite of ecosystem goods being utilised on a sustainable basis. As such monitoring of the levels of utilisation and the status of the resources being utilised will be a key management intervention, together with the implementation of relevant control measures.

It is also possible that these zones may be strategically placed to provide a buffering service to other more important zones in the protected area. Where over utilisation has occurred or is currently prevalent, it will be necessary to allow the zones to recover before allowing further utilisation to take place. In these instances intensive management interventions such as reforestation, erosion control, clearing of invasive alien plants and the establishment of exclusion areas may be necessary. Strong collaborative or co-governance agreements will need to be

negotiated with beneficiary communities which clearly identify the resources that may be utilised and the intensity, timing and methods of such utilisation.

Permitted activities

From a consumptive use perspective, the types of activities that may be permitted in this zone are primarily related to the harvesting of natural resources such as medicinal plants, wood and grass for construction purposes, fuel wood, food such as fruits and honey, and grazing or browsing for livestock. The latter may be obtained through a 'cut and carry' system where beneficiaries remove the grazing or browse material from the protected area to feed their livestock outside its boundaries. However, there may be instances where it is permissible to allow limited numbers of livestock into the zone to access this resource. Although Namibia is an arid country there may be examples in the northern regions where access to clean fresh water through direct abstraction is another example of an activity that could be relevant to this zone.

From a non-consumptive perspective and in consideration of the need to keep the levels of consumptive utilisation within limits of potential concern, these zones may retain their natural and cultural appeal to the extent that they are able to accommodate some tourism facilities and activities, and these may be strongly oriented towards the cultural features of the beneficiary communities. Home-stays within communities outside the PA with guided walks and access to cultural activities are an option.

Mining and exploration may also be permitted in this zone subject to the policy on mining and prospecting in protected areas in Namibia.

Description

It is most likely that these zones will be limited in their extent and located on the periphery of the PAs and adjacent to beneficiary communities.

Examples

The most relevant example is the Multiple Use Zone of Bwabwata National Park, where harvesting of wild plants for own use, and *Harpagophytum* for commercial use is permitted by legal residents of the park.

Benefits

Considering that the levels of utilisation will be strictly controlled so as not to exceed thresholds of potential concerns, these zones will retain their ecosystem functionality and thus also the capacity to deliver a wide range of ecosystem goods and services. These may include supporting services (biodiversity, photosynthesis, nutrient cycling and soil formation), cultural services (sense of place, aesthetic and spiritual values, recreation, research and education), regulatory services (drought mitigation, erosion control, carbon storage and sequestration, flood attenuation, water purification, climate regulation and pollination) and provisioning services (fresh water, live game, venison and trophies, food plants, medicinal plants, wood and grass for construction material, wood for fuel and forage for livestock).

5. Development and Infrastructure Zones

Purpose

These zones provide for the infrastructure needed for park management as well as tourism and recreation opportunities. The primary purpose is to contain the developments and related activities, to ensure that they are compatible and that their negative impacts on the protected area are minimized.

Permitted activities

Where possible, these should be located in areas of least conservation importance and preferably on the periphery of the protected areas. Their extent must be kept as small as possible and the developments and related activities within them must be planned and managed in accordance with the principles of Integrated Environmental Management. As such they must be planned very carefully and strict controls will need to be enforced. Monitoring of aspects such as the levels of water use, the generation and treatment of both solid and liquid waste and other environmental impacts will need to be instituted.

Description

The types of developments accommodated within these zones will primarily be management and visitor oriented. Management related infrastructure may include offices, storage facilities, vehicle maintenance facilities, communication infrastructure such as towers and satellite dishes, access control, staff accommodation and security outposts. From a visitor perspective there may be catered and self-catering accommodation in lodges, chalets and furnished safari tents; camping and picnic sites with ablutions with water-borne and appropriate sewage treatment facilities, recreation and catering facilities; information and reception facilities. The use of dry composting toilets should be promoted in these zones as well.

Infrastructure unrelated to the protected area and which happens to be in or traverse the protected area should also be included in these zones. Existing human settlements, transport infrastructure, communication towers, pipelines and powerlines are all relevant examples.

Examples

These zones will include park headquarters, staff accommodation, tourism lodges and supporting infrastructure such as waste water treatment plants. Existing infrastructure that traverses a protected area, such as power lines, can be zoned in this category if they require a particular type of management (e.g. use of herbicides for clearing).

Benefits

The suite of ecosystem goods and services that may be obtained and produced from these zones will be limited in comparison to the others due to the loss of natural land cover and the restricted movements of wildlife, but the following may still be relevant: supporting services (photosynthesis), cultural services (sense of place, tourism, recreation, education and research) and regulatory services ([micro] climate regulation).

ANNEX 5: Decision Support Tool – an initial outline

Introduction

In Section 6.1 *Areas to be excluded from prospecting and mining*, the Policy requires that a **Decision Support Tool** shall be used to identify and classify areas both in and outside protected areas and other areas with high value species or environmentally sensitive areas according to their sensitivity. This Tool will assist the Minerals Licence Advisory Committee (MLAC) to determine whether exploration and mining should be allowed in a given area, based on the best available information.

A first iteration Decision Support Tool is described here, as the basis for further work and improvements as more information becomes available. The Decision Support Tool is needed to:

a) identify the exact location of a potential prospecting or mining site in relation to important attributes such as:
   - its exact location within a protected area
   - its exact location within a specific protected area management zone
   - its exact location within areas with high value species
   - its exact location within environmentally sensitive areas

   noting that the scale of protected area maps, management zonation maps and areas to be excluded from prospecting and mining in this Policy is too large to allow accurate application of this Policy to specific sites; and similarly concerning other areas with high value species with known biodiversity attributes or environmentally sensitive areas that that have not yet been accurately mapped or contain information of a sensitive nature that should not become publicly accessible; and

b) enable further information that becomes available through research and surveys concerning biodiversity and habitat attributes inside and outside protected areas and environmentally sensitive areas can be used without requiring the maps in this Policy to be continuously updated.

In the long run, access to such a Decision Support Tool should not just be limited to the MLAC but should be institutionalised and made accessible to a wider range of stakeholders to help make decisions with regards to any kind of development in environmentally sensitive areas. While it may be ultimately desirable to make the Decision Support Tool publicly accessible to assist prospecting and mining companies to select target sites, the Decision Support Tool should initially only be accessible by authorized officials of MME and MEFT to assist the work of the MLAC. The Decision Support Tool can be designed to provide access to different layers of information to different officials to e.g. ensure that the localities of rare, endangered or commercially valuable species and their habitats that are currently treated as restricted information by MEFT do not become more widely available than necessary for their protection. It can be noted that the mining cadastre of MME already provides public access on protected areas or parts thereof that are withdrawn from prospecting and mining.

Design

Decision Support Tools can take many forms, including software applications, spreadsheets, or even simple checklists. They may use a variety of techniques, such as data visualization, statistical analysis, or machine learning algorithms and modelling to help users make sense of large amounts of data and identify patterns

or trends that might be difficult to detect otherwise. The establishment of a Decision Support Tool is a process, which needs a dedicated person/team and budget that drives the buy-in, the establishment and maintenance of the tool.

There are still huge data gaps which needs to be filled. Therefore, a continuous effort needs to be made to drive data collection and analysis. One important layer missing would be the mapping of sensitive areas or habitats, areas with high value species and environmentally sensitive areas. Data which have not been mentioned in the Policy but would help to make decisions need to be collected as well, such as socio-economic, climate and climate change data.

Benchmarking

While considerable international benchmarking can be done and would be valuable to do, the system and products developed in neighbouring South Africa are both innovative, practical and readily applicable to Namibia. The South African National Biodiversity Institute (SANBI) has established a comprehensive online information system, the Biodiversity Advisor, which combines several different tools and datasets:

- SANBI Biodiversity advisor https://biodiversityadvisor.sanbi.org/ Part of the advisor is the biodiversity GIS and the Land Use Decision Support tool LUDS http://bgis.sanbi.org/ and http://bgis.sanbi.org/LUDS/Home/About

- SANBI has produced a national biodiversity priority map that would be very helpful if Namibia could also produce something similar https://www.sanbi.org/wp-content/uploads/2018/04/mapping-biodiversity-priorities-web.pdf

There are similar systems also in the USA based on a different methodology using latest technologies:

- Map of biodiversity importance for the US https://habitatsuitabilitymodeling-natureserve.hub.arcgis.com/apps/c2858319d41e410aa4b36ff9fad6ced0/explore and https://www.natureserve.org/map-biodiversity-importance

Way forward

The further refinement of the Decision Support Tool would be a big task and requires a dedicated budget and manpower to drive the development of such a tool. A tool like this would need major funding and a team of experts to establish it. The refinement of such a Decision Support Tool should be done in parallel to the implementation of this Policy. For a first level inhouse Decision Support Tool the vision should be:

- The Decision Support Tool will support the work of the Minerals Licence Advisory Committee (MLAC)
- Both MME and MEFT will be providing a budget towards the refinement and maintenance of the Decision Support Tool
- The MEFT will be hosting and maintaining the Decision Support Tool in corporation with MME
- The minimum requirements for such a tool is the ability to store, view and query relevant spatial data on a GIS platform as well as relevant documents, guidelines and reports.
- A task team/working group to be established, which should:
  - Have the overall mandate of refining and maintaining the Decision Support Tool
  - Identify the technology and software to be used for the refining of the Decision Support Tool

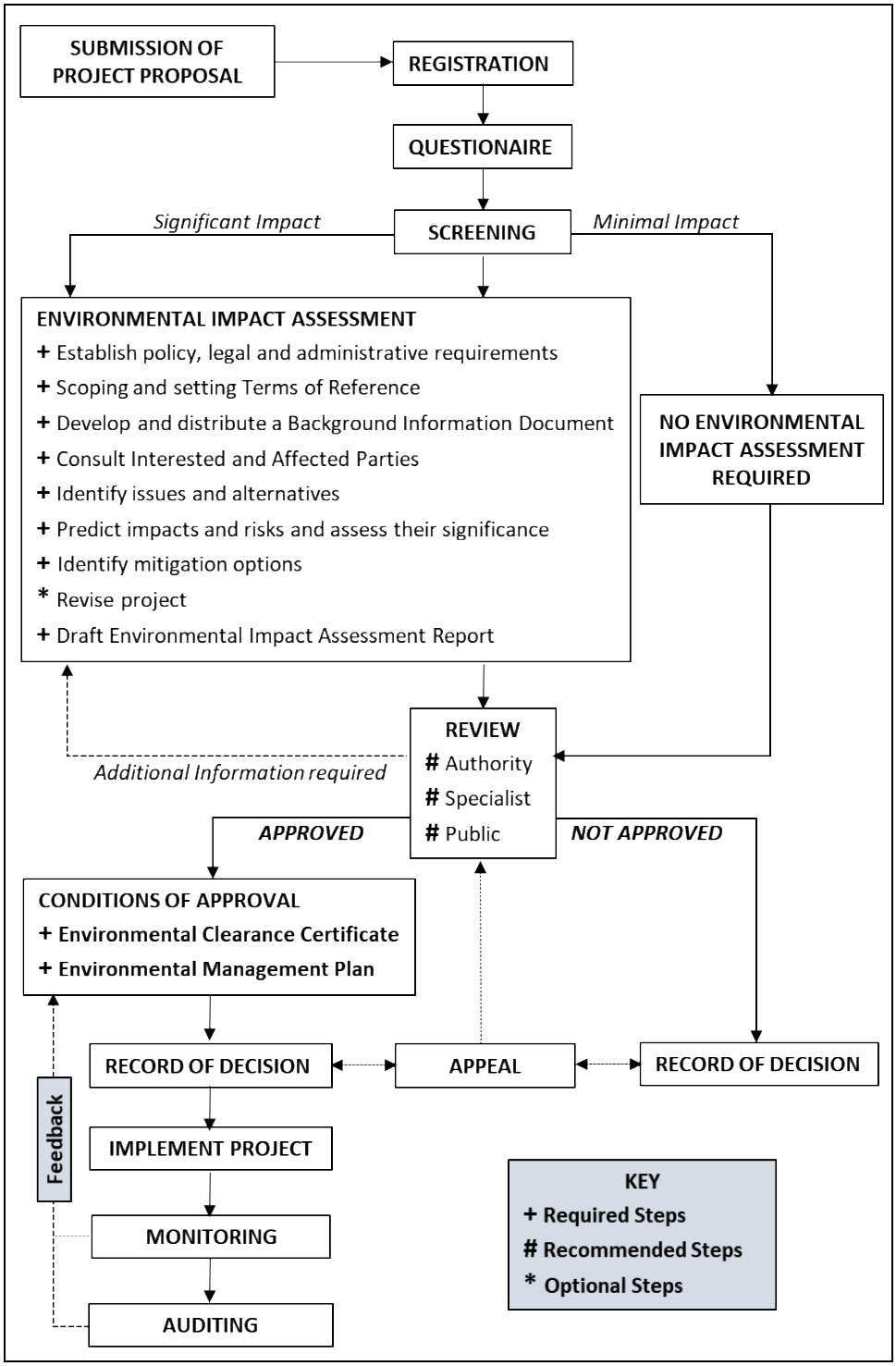
- Identify where and how the Decision Support Tool fits in the workflow of the MLAC
- Identify and collect relevant existing and available datasets, including documents, guidelines and reports, relating to areas qualifying to be excluded for mining.
- Establish relationships with governmental and private sector data providers
- Driving the further refinement of the Decision Support Tool in terms of technology used, the closure of possible data gaps, and the initiation of further data analysis and modelling to improve the knowledge base and the decision-making process

- A panel of experts to be established with the mandate to review the tool and its data content in terms of data quality and usability and make recommendations for improvements

Important data sources are: Government Offices, Ministries and Agencies and in particular the National Statistic Agency (NSA), the Surveyor General and Directorate of Survey and Mapping, the Directorate of Land Reform, MEFT Directorate of Scientific Services, MEFT Department of Environmental Affairs and Forestry, MAWLR Department of Water Affairs, Remote Sensing Centres, Non-Governmental Organizations (NGOs) such as the Namibia Chamber of Environment (NCE), NACSO members and working groups, specialised NGOs such as the Giraffe Conservation Foundation, Cheetah Conservation Foundation, Desert Lion Project, Desert Elephant Research Project, Elephant Human Relations Assistance etc. and academic and research institutions such as UNAM, NUST and SASCAL. Available datasets and websites in the public domain for Namibia are: Atlas of Namibia https://atlasofnamibia.online/, Environmental Information Service (EIS) http://www.the-eis.com/, Namibia biodiversity database https://www.biodiversity.org.na/index.php, National Spatial Data Infrastructure (NSDI) https://nsdi.nsa.org.na/ and potentially others including global datasets relating to e.g. climate change.

In support of this process, all the shapefiles used in the production of maps for this Policy and mapped wildlife corridors from four Regions are provided at link and also in GIS ArcView form at link also serving as the first most basic iteration of what the Decision Support Tool could be developed from.

ANNEX 6: The Environmental Assessment Process in Namibia



ANNEX 7: Application Procedure for prospecting/mining in protected areas, other areas with high value species and environmentally sensitive areas

Company submits its application to prospect/ mine in a Protected Area, other areas with high value species, environmentally sensitive areas and/ or National Monument or National Heritage Site to the Ministry of Mines and Energy - MME (Mining Commissioner)



MME registers the application and provide the company with the environmental screening questionnaire (application is reflected on the MME mining cadastre)



Environmental screening questionnaire completed by the applicant and submitted to the MME which passes it on to the MEFT and/ or NHC



MEFT and/or NHC review and assess the screening questionnaire and make recommendations to the MPMRAC



The Mining Commissioner includes the recommendations made by the MEFT and/ or the NHC in the application file and presents the file to the MPMRAC. MPMRAC assesses the application.



If the application is recommended the MEFT and/or NHC set environmental conditions and help develop ToR for an Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP).



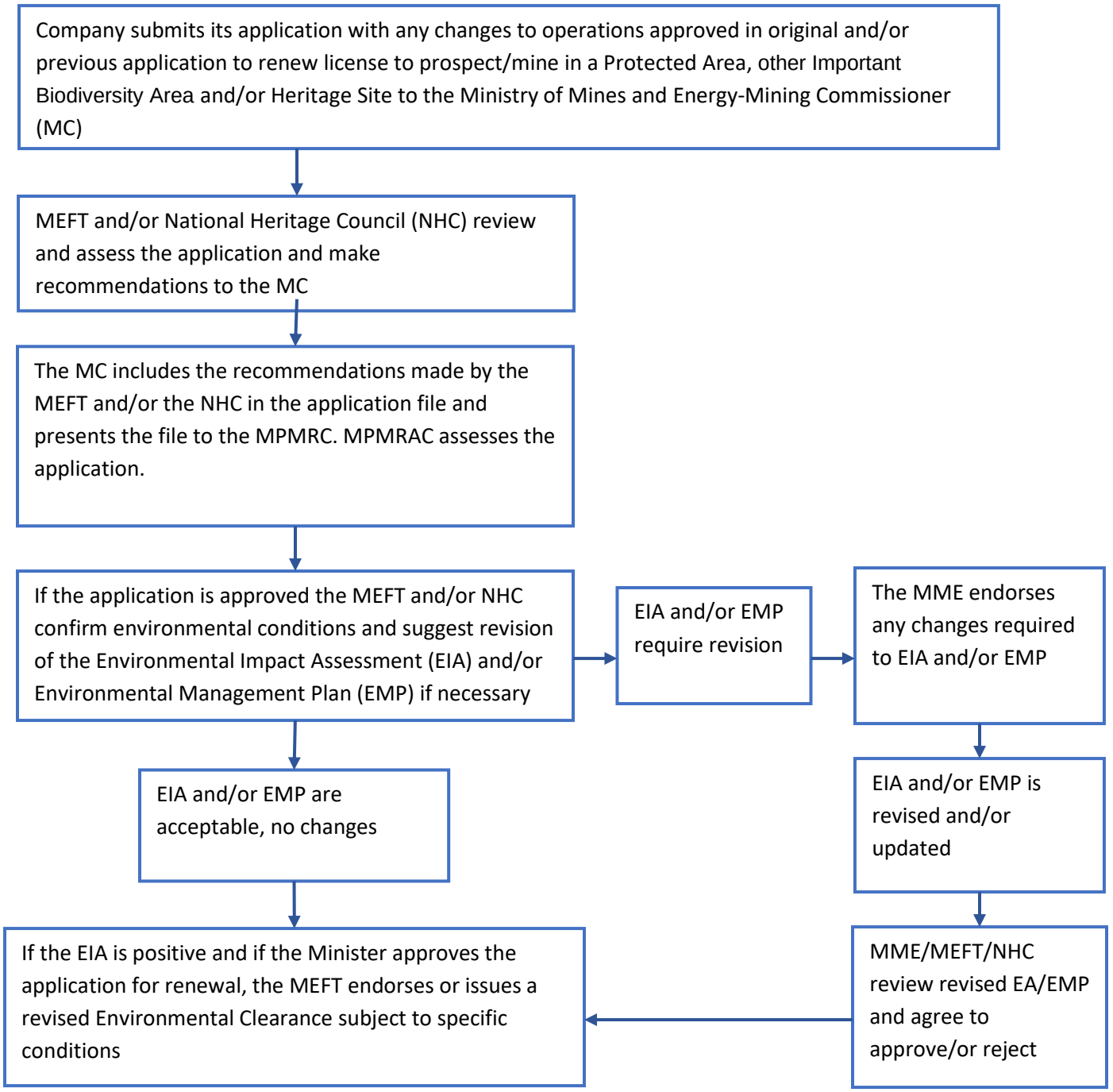
The MME endorses the Terms of Reference for the EIA and EMP

EIA is conducted and an EMP drafted according to the procedures in the Environmental Management Act, including public consultation process and feedback to Interested and Affected Parties on how their concerns were addressed

MME/ MEFT/ NHC review the EIA and the EMP and agree to recommend approval/or disapproval/ amendments required and issue a Record of Decision (RoD)

If the RoD is favourable and if the Minister approves that the prospecting or mining should proceed, the MEFT issues Environmental Clearance Certificate subject to specific conditions

ANNEX 8: Summary of Renewal Process



ANNEX 9: Permit conditions to operate in protected areas

General permit conditions applicable to all protected areas where prospecting and mining is permitted:

1. A list of company personnel, including ID/Passport numbers, nationality and position, authorized to enter or work on the company's tenements within a Protected Area (PA), must be supplied to the MEFT officer in charge of the area.

2. Employee and personnel lists must be updated on a regular basis (when any changes happen).

3. An annual permit must be obtained from the MEFT to enter a PA. All permanent staff must be listed on this permit. This permit must be shown each time a staff member enters the park, and all people in a group must correspond with the permit list. A separate permit must be obtained from the MEFT for non-permanent employees (contractors, service providers etc.) to cover the duration of their visit.

4. A copy of all permits and permissions from the relevant authorities or ministries to carry out any of the proposed activities on an EPL, ERL, MDRL and/or ML must be supplied to the officer in charge of the area.

5. All employees must be in possession of an ID/name tag with their name, photo and job or function with an authorizing signature.

6. Sub-contractors, Consultants and other Service Providers are the responsibility of the company, and it is the responsibility of the company to ensure that they have the necessary permits and that the officer in charge of the PA is provided with their details. If the site is remote without proclaimed road access, then the company must provide an escort between the proclaimed roadhead and the site to ensure that no new tracks are made. Any new tracks made whether on purpose or accidentally must be immediately rehabilitated by the company to the satisfaction of the officer in charge of the PA.

7. All staff, sub-contractors, consultants and other service providers are subject to all provisions of the Nature Conservation Ordinance, Ordinance 4 of 1975 as amended and Regulations Relating to Nature Conservation, Government Notice 240 of 1976 or any legislation that replaces it except where exemptions are specified on the park permit and in the Environmental Clearance Certificate (ECC).

8. A suitable communication system to enable regular contact with PA officials must be installed.

Environmental Conditions:

1. A six-monthly progress report and environmental management report must be submitted to the MEFT (Environmental Commissioner and Park Management staff) starting from date of commencement of operations.

2. All staff, sub-contractors, consultants and other service providers are subject to all provisions of the Environmental Management Act, Act 7 of 2007 and the Environmental Clearance Certificate

and the Environmental Management Plan any other legislation pertaining to any aspect of the environment.

3. Strict compliance is required with all conditions in the Environmental Clearance Certificate or Environmental Clearance Certificate and appendices.

4. No movement is allowed outside of the Exclusive Prospecting License (EPL) area, Mining Claim (MC) or Mining License (ML) Area or approved Auxiliary Works area except when in transit between the entrance to the PA and any of these areas. Such transit will be on a specified route.

5. A detailed site inspection will be carried out in conjunction with MEFT staff prior to commencement of any prospecting activities to establish access routes to target areas.

6. A detailed annotated baseline photo record of the site and access routes must be created by the ministry staff and signed off by the holder. At the end of the project this baseline will serve as a reference for rehabilitation. It will also serve as a monitoring reference during the life of the project.

7. No motor bike, 3-wheeler or quad bike of any nature will be allowed to be used in an EPL, MC or ML area for any purpose.

8. No hunting, fishing, catching or wilful disturbance of any animal, or the collection of any plants or plant material is allowed.

9. No natural resource e.g. reeds, wood, stone, sand etc. may be collected from the license area or the surrounding protected area for use in construction of any structure or for ornamental purposes.

10. No boating will be allowed on any river or water body unless it is within the operations detailed on the operational documentation.

11. No gathering of firewood or driftwood for any purpose will be allowed.

12. No pets or other domestic animal of any description or alien or ornamental plant will be allowed.

13. No firearms, bows, crossbows, catapults or other weapons are allowed. Weapons for security purposes must be motivated and registered with the officer in charge of the area.

14. No water may be collected for personal or industrial use in any manner from a spring, river, pan, dam, wetland or borehole or tank belonging to MEFT without express approval from MEFT. No tampering with any water infrastructure belonging to MEFT is allowed under any circumstances.

15. Traveling will be confined to an agreed upon track network. New tracks will be kept to a minimum.

16. It is further prohibited to enter or exit the protected area:
    a) without being in possession of a valid park entry permit,
    b) without payment of the required park entrance and conservation fees,

c) anywhere other than at an approved entrance facility,
d) at any time other than provided for in the park entry permit,
e) with persons including family, friends and other visitors that are not employed by the Holder, or
f) facilitating that such persons to enter or stay in or exit the protected area without a valid park entry permit.

17. All waste must be removed from the license area to a registered waste disposal site. No waste may be disposed of within the PA. A suitable scavenger and wind proof storage facility must be constructed to store waste material prior to transportation out of the area. Waste may not be burnt on site. Attention must be given to wind conditions and all necessary measures must be taken to prevent wind distribution of rubbish. No single use plastic bag (shopping bag) is allowed in any protected area.

18. All fuel and lubricant waste products must be stored on site in suitable fit for purpose containers on an impermeable surface with appropriate bunding (a constructed retaining wall around storage where potentially polluting substances are handled, processed or stored, for the purposes of containing any unintended escape of material from that area until such time as a remedial action can be taken) to contain spillage and disposed of at a suitable facility outside of the PA.

19. All hazardous or toxic waste products must be stored in a safe contained environment and disposed of at a registered hazardous waste facility.

20. Suitable and effective traps or pans must be used at vehicle or machinery refuelling points. Soil contaminated with fuel or oil must be immediately dug up and stored in a safe place for later removal to a suitable disposal facility.

21. Under no circumstances may any waste material of any nature be disposed of in any water body or river.

22. Under no circumstances may any waste material of any nature be buried.

23. For EPLs, all structures are to be of a temporary nature.

24. If a project progresses to a more longer-term ML, more durable structures may be built in compliance with the project EIA and EMP and the ECC.

25. For EPL licence holders, toilets of a ‘long drop’ or pit latrine type must be put up immediately. The use of chemical toilets will not be acceptable, as there is the problem of disposing of the chemical residue. Any toilet must be constructed away from any river or other water body to prevent contamination.

26. If a project progresses to a ML, a proper sewerage reticulation system must be put place in compliance with all necessary permits, certificates and environmental clearances including wastewater disposal permits from the Ministry of Agriculture, Water and Land Reform.

27. Transgressions of any provisions of the Nature Conservation Ordinance or its amendments or succeeding legislation will be dealt with severely. Second time offenders will be asked to leave the park. Ongoing transgressions will lead to the cancellation of permits and the refusal to grant any new permits.

Park Specific Conditions:

1. Conditions specific to any park or after consideration of MEFT may be included in addition to those specified above.

ANNEX 10: Standard conditions to be attached to Environmental Clearance Certificates (ECCs) for prospecting and mining in Protected Areas, other Areas with High Value Species and Environmentally Sensitive Areas

Standard conditions to be attached to ECCs for prospecting and mining in Protected Areas other Areas with High Value Species and Environmentally Sensitive Areas

General conditions applicable to all sites

1. All provisions of applicable legislation and regulations concerning protected areas, areas with high value species and environmentally sensitive areas apply.

2. This Environmental Clearance Certificate shall serve as a contract of agreement between the holder and the Ministry of Environment, Forestry and Tourism, but it does not in any way make the Ministry of Environment, Forestry and Tourism responsible for any wrong or insufficient information provided, nor any adverse effects that may arise from this project's activities. Instead, full responsibility and accountability rest with the developer and his/her consultants.

3. The Holder of this Environmental Clearance Certificate (hereafter referred to as the Holder) assumes full responsibility and liability for the safety and conduct of employees, contractors, sub-contractors, service providers and/or visitors.

4. The Holder agrees to fully indemnify the Government of the Republic of Namibia in the event that the Government is held liable in respect of any loss, damage or injury sustained to an employee, contractor, sub-contractor, service provider and/or visitor whilst such employee, contractor, sub-contractor, service provider and/or visitor is in the protected area, other areas with high value species or environmentally sensitive areas under the auspices, direction or invitation of the Holder.

5. Only existing tracks or roads may be used unless prior approval is obtained from the Ministry or the landholder of the areas with high value species or environmentally sensitive areas (hereafter the Landholder) for the construction of any new track or road. All existing tracks and roads used by the Holder must be maintained by the Holder to a standard agreed to by the Environmental Commissioner and Deputy Executive Director of Natural Resource Management or their designees or the Landholder.

6. No new landing strip may be constructed in a prospecting or mining area. Any existing landing strip may only be used with permission of the Minister and park staff must be informed of any aircraft activity. A log must be kept by the Holder of all arrivals and departures including passengers and purpose of flight.

7. All approved new tracks or roads must be established, constructed and rehabilitated under the supervision of officials designated by the Ministry or the Landholder for this purpose. No new track or road anywhere in the protected area may be established without prior approval by the

Chief Warden/s responsible for this particular protected area or the Landholder. Any new track or road must be designated and mapped by the relevant Chief Warden/s or Landholder to prevent unnecessary impacts while taking into account the operational purpose of the desired new track or road. No gravel, rock, soil or sand may be quarried or otherwise collected in the or water collected or extracted, including seawater, from any site in the protected area, areas with high value species and environmentally sensitive areas not covered by any Environmental Impact Assessment, Environmental Management Plan or Environmental Clearance, for the purposes of track or road maintenance. No existing track may be graded and surfaced without an Environmental Impact Assessment, Environmental Management Plan or Environmental Clearance.

8. The Holder shall erect a signboard not smaller than 70 cm in height and 100 cm in width, at the major entrance/s to each of its license areas, specifying the number of the license, the duration of its validity and the name of the license holder, and a contact name and number for enquiries.

9. The Holder shall erect concrete or steel beacons at the corners and where minor tracks cross the boundary of its licence areas specifying the number of the license, the duration of its validity and the name of the license holder, and a contact name and number for enquiries.

10. The Holder acknowledges that designated staff of this Ministry of the Landholder may monitor the protected area and the activities of the Holder within the protected area, areas with high value species and environmentally sensitive areas including its license area and any auxiliary works, with or without prior notice to the Holder in order to verify adherence to the conditions imposed in this authorization. Protected area management personnel of the MEFT have standing obligations with regards to protected areas as law enforcement officers and implementers of protected area management plans. They have access to the entire protected area including any license areas. While they will not be allowed to unduly interfere in any of the authorized activities of the Holder, they should equally not be hindered in the execution of their duties. The Holder undertakes to give its full cooperation to the designated staff in this regard.

11. In the event that an application to renew the clearance is received, the renewal of this clearance is entirely within the discretion of the Ministry and the Holder should entertain no expectation of whatsoever nature in that regard. In this regard, this Ministry accepts no responsibility of whatsoever nature, for any expenditure which the Holder incurs in order to exercise its rights and obligations in terms of this clearance, and which expenditure is rendered redundant or futile in the event that this clearance is not extended.

12. In the event that the Ministry extends the clearance for an additional period, the Ministry reserves the right to impose additional conditions or amend existing conditions of this authorization, and the Holder agrees to be bound by such additional and/or amended conditions.

13. In the case of non-compliance with any of these conditions, the clearance can be terminated by the Ministry at any time by written notice to the holder, including the reasons for such termination. Notice of termination in terms hereof will not detract from any of the Holder’s obligations pertaining to the clearance, including the implementation of the environmental management plan and the rehabilitation of disturbed areas or other impacts caused by the Holder. Notice of termination and termination will not affect any liability for prosecution for the violation of any applicable Act.

14. A six-monthly report on project progress and environmental management profile, starting from date of commencement of operations, must be submitted by the Holder to the Ministry of Environment and Tourism, for attention to the Environmental Commissioner and the Chief Warden/s responsible for this particular protected area or areas with high value species (copied to the Director of Parks and Wildlife) and the Landholder.

15. The following activities are strictly prohibited within the protected area, areas with high value species or environmentally sensitive areas except as provided in the Environmental Management Plan and are subject to prosecution and confiscation by the Chief Warden/s responsible for this particular protected area or areas with high value species or by the Namibian Police for environmentally sensitive areas, in addition to the restrictions specified in the permit to operate in a protected area issued by the Director: National Parks and Wildlife:
    - wood gathering or the collection of soil, rocks, insects, birds, animals and plants, removal or collection of or tampering with any animal part including skeletons, skulls, horns, skins, whale bone or sea turtle carapace etc. except removal for the sake of preservation if so provided for in the Environmental Management Plan,
    - the introduction of domestic animals or animal pets, ornamental plants that are not indigenous to Namibia, any crop plant, fruit or vegetable, and weapons of all types,
    - tampering with, damage to or removal of any historical, archaeological (including any part of a shipwreck or shaped wood on the coast that may have been part of a shipwreck) or paleontological site or artifact,
    - offroad driving anywhere in the protected area, areas with high value species and environmentally sensitive areas.

16. The Holder or any of its employees and contractors and their employees that may at any time be in the employment of the Holder may not conduct any formal or informal business or commercial activity in the protected area, areas with high value species or environmentally sensitive areas that is not permitted by the license held by the Holder.

17. There shall be no voluntary or involuntary disposal of any form of waste in all protected areas, areas with high value species or environmentally sensitive areas of the Republic of Namibia. A suitable waste storage facility must be constructed to serve as a waste retention device prior to transportation out of the protected area.

18. Using the best affordable methodology, the Holder must ensure that all prospecting, exploration, mining or quarrying operations as well as all auxiliary works are thoroughly rehabilitated prior to closure of the operation to the satisfaction of the Environmental Commissioner and Deputy Executive Director of Natural Resource Management or their designees, according to the National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas, other Areas with High Value Species and Environmentally Sensitive Areas. Unless otherwise approved by the Environmental Commissioner and the Deputy Executive Director of Natural Resource Management, the Holder must proceed with the rehabilitation process concurrently with the progression of the project and report on such rehabilitation every six months.

19. The general standard for all rehabilitation processes must at all costs aim at restoring the natural character of the protected area and surrounding environment to the satisfaction of the

Environmental Commissioner and Deputy Executive Director of Natural Resource Management or their designees of the Ministry of Environment, Forestry and Tourism. Such rehabilitation processes shall be inspected and certified satisfactory or unsatisfactory by the Ministry of Environment, Forestry and Tourism. Where a certificate of unsatisfactory status is issued, the Holder shall be advised to carry-out certain tasks to meet the requirements. Failure to meet the basic rehabilitation requirements shall be regarded by this Ministry as a breach of this contract and of which serious consequences shall follow.

20. To facilitate and assess rehabilitation requirements the detailed annotated baseline photo record of the site and access routes created by the ministry staff and signed off by the Holder prior to commencement of operations will serve as the reference for rehabilitation.

21. The Holder acknowledges that the Ministry of Environment, Forestry and Tourism in partnership with the Ministry of Mines and Energy and through the Environmental Investment Fund of Namibia is in the process of setting up a Rehabilitation Fund within the Environment Investment Fund that will require Exploration and Mining holders to fund bonds as security to ensure that they fulfil their environmental obligations. This means that if an operator is unable to meet their environmental obligations, the State must not be the one responsible for paying the rehabilitation costs. The Holder agrees to be bound by this requirement.

22. The Holder acknowledges that the Ministry of Environment, Forestry and Tourism is in the process of developing a framework for biodiversity offset initiatives that compensate for residual impacts which should not be confused with any voluntary environmental or social corporate responsibility or contribution. This framework will provide requirements to ensure that there is no Net Loss and preferably a Net Gain to biodiversity through offsetting of residual impacts that cannot be rehabilitated to an acceptable standard. The Holder agrees to be bound by this framework.

23. If the EIA/EMP report for a given exploration or mining or quarrying require the services of an external reviewer, the Holder shall bear the full cost of the review of that particular report. Under such circumstances, this Ministry shall only pronounce its decision on the issue once the full cost of the review is paid to the reviewer.

24. Finally, the Holder is advised that these conditions shall be reviewed and refined on a regular basis to ensure compliance and sound management of our protected areas, areas with high value species and environmentally sensitive areas. From this perspective and depending on site specifics and the technical nature of a given project, further conditions shall be attached to guide the operations of such projects.

<u>Specific conditions applicable to a specific site</u>

Specific conditions applicable to this protected area, areas with high value species and environmentally sensitive areas can be specified by the Environmental Commissioner and the Deputy Executive Director of Natural Resource Management based on the EIA, EMP and the particular characteristics of this protected area or areas with high value species or environmentally sensitive areas and the activities authorised by this Environmental Clearance, after consultation with the park management plan and the Chief Warden/s of the park or the Landholder.

ANNEX 11: National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas and other Areas with High Value Species and Environmentally Sensitive Areas (provisional)

Until National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas, other Areas with High Value Species and Environmentally Sensitive Areas have been formally developed by MEFT and MME and independently reviewed by a panel of experts, the following should be applied, based on:

- provisions in this Policy concerning rehabilitation and restoration;
- provisions in protected area management plans concerning rehabilitation and restoration; and
- standard conditions attached to the issuance of an Environmental Clearance Certificate for prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas.

The following standard conditions attached to the issuance of an Environmental Clearance Certificate for prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas (see Annex 10) already specify to some extent:

- who is responsible for rehabilitation and restoration;
- the standard required for rehabilitation and restoration
- when rehabilitation and restoration should be done;
- required reporting on rehabilitation and restoration;
- certification of satisfactory or unsatisfactory rehabilitation and restoration; and
- monitoring of rehabilitation and restoration.

Standard conditions attached to the issuance of an Environmental Clearance Certificate for prospecting and mining in protected areas, other areas with high value species and environmentally sensitive areas

18. *Using the best affordable methodology, the Holder must ensure that all prospecting, exploration, mining or quarrying operations as well as all auxiliary works are thoroughly rehabilitated prior to closure of the operation to the satisfaction of the Environmental Commissioner and Deputy Executive Director of Natural Resource Management or their designees, according to the National Rehabilitation and Restoration Guidelines for sites impacted by prospecting and mining in Protected Areas, other Areas with High Value Species and Environmentally Sensitive Areas. Unless otherwise approved by the Environmental Commissioner and the Deputy Executive Director of Natural Resource Management, the Holder must proceed with the rehabilitation process concurrently with the progression of the project and report on such rehabilitation every six months.*

19. *The general standard for all rehabilitation processes must at all costs aim at restoring the natural character of the protected area and surrounding environment to the satisfaction of the Environmental Commissioner and Deputy Executive Director of Natural Resource Management or their designees of the Ministry of Environment, Forestry and Tourism. Such*

rehabilitation processes shall be inspected and certified satisfactory or unsatisfactory by the Ministry of Environment, Forestry and Tourism. Where a certificate of unsatisfactory status is issued, the Holder shall be advised to carry-out certain tasks to meet the requirements. Failure to meet the basic rehabilitation requirements shall be regarded by this Ministry as a breach of this contract and of which serious consequences shall follow.

20. *To facilitate and assess rehabilitation requirements the detailed annotated baseline photo record of the site and access routes created by the ministry staff and signed off by the Holder prior to commencement of operations will serve as the reference for rehabilitation.*

Based on these standard conditions, and brining in elements from protected area management plans concerning rehabilitation and restoration, the following can serve as a basic guideline:

Responsibility for rehabilitation and restoration

1. Mining Licences will only be issued in protected areas, other areas with high value species and environmentally sensitive areas once a mine-closure plan is in place and approved by the MET and MME *(from this Policy).*
2. Mining will only be allowed in a protected area, other areas with high value species or environmentally sensitive areas if mining includes a concurrent and progressive process of rehabilitation of disturbed areas that cannot be fully rehabilitated; when financial securities for rehabilitation and mine closure (see section 6.5) are in place; and the mining license holder commits to a full and externally audited and supervised offset of any residual impacts that cannot be rehabilitated *(from this Policy).*
3. The Holder of the exploration or mining license or related authorization is fully responsible for rehabilitation and restoration *(from Standard Condition 18).*
4. In case of any default concerning rehabilitation and restoration, such as a contravention of a condition of an environmental clearance certificate relating to rehabilitation and restoration, the Environmental Management Act in Section 20 (6) provides for the issuance of a Compliance Order by an Environmental Officer to compel a person who receives a compliance order to comply with that order within the time period stated in the order (*from Environmental Management Act in Section 20 (6)).*
5. The Environmental Management Act in Section 20 (6) further provides that where a person fails to take any measures specified in the compliance order without raising an objection an environmental officer may take the measures or cause them to be taken. Any costs incurred by the environmental officer in connection with any action taken may be recovered from the person referred to in that subsection as a debt owing to the State (*from Environmental Management Act in Section 20 (6)).*
6. The operating company will be responsible to restore areas damaged by historic mining and prospecting within the licence area, provided that these have not been designated as industrial heritage in the meantime. Scars or disturbed areas to be rehabilitated will be agreed to in writing and indicated on a map in conjunction with the operator and the MEFT and taking into consideration provisions of the National Heritage Act as well as other associated legislation *(from this Policy)*.

Standard required for rehabilitation and restoration

1. The general standard for all rehabilitation processes must at all costs aim at restoring the natural character of the protected area and surrounding environment *(from Standard Condition 19).*
2. Ecologically functional and stable landforms that are visually acceptable are created to enable longer-term biological rehabilitation to occur *(from protected area management plans).*
3. A minimum standard of rehabilitation acceptable to park management should be *(from protected area management plans)* that:
    a. All safety risks to humans and wildlife from past mining activities have been mitigated
    b. All redundant infrastructure must be removed unless otherwise agreed by MEFT
    c. All waste and pollution must be removed or mitigated in a manner agreed to by MEFT
    d. All dumps, pits, trenches and the like must be profiled and shaped to be visually acceptable by MEFT
    e. All disturbed areas must be returned to ecologically functional and stable landforms that will enable long-term rehabilitation of biodiversity
4. Initial physical rehabilitation will almost always (if successful) only achieve the establishment of ecologically functional and stable landforms that are visually acceptable as the basis for longer-term biological rehabilitation to occur, particularly in arid zones *(from protected area management plans)*.

<u>When rehabilitation and restoration should be done</u>

1. Rehabilitation and restoration of impacted sites must be part of the prospecting and mining process and once all prospecting or mining activities are completed, rehabilitation and mining should also be completed in accordance with (these) Rehabilitation and Restoration Guidelines *(from this Policy).*
2. An approved Mine Closure (and Rehabilitation) Plan without which mining cannot commence must include among others, a process of continuous and progressive rehabilitation during the entire life of mine, unless otherwise approved under exceptional circumstances, and a plan to offset residual impacts that cannot be rehabilitated *(from this Policy).*
3. Rehabilitation and restoration must be done concurrently with mining unless otherwise approved by MEFT *(from Standard Condition 18).*
4. All prospecting, exploration, mining as well as all auxiliary works must be thoroughly rehabilitated prior to closure of the operation *(from protected area management plans).*
5. If a company wishes to upgrade from an EPL to an ML, then areas that are excluded from the ML area and/or impacts on areas that are not going to be mined must be restored to the satisfaction of the MEFT prior to an ML being issued, or within one (1) year from the issuance of the ML *(from this Policy).*

<u>Required reporting on rehabilitation and restoration</u>

1. The licence holder must report on rehabilitation every six months *(from Standard Condition 18).*
2. Key information on rehabilitation must be shared with protected area management *(from protected area management plans)*
3. The process of biological recolonization of disturbed and subsequently rehabilitated sites in hyper-arid areas is expected to occur in the medium- to long-term. Such recolonization and the restoration of ecological functionality need to be monitored in the long-term by park management.

Thus, at the very least, the following information is needed concerning rehabilitation *(from protected area management plans)*

- Locality and extent of rehabilitated sites (GPS coordinates for localized sites and for larger areas, a map that could be based on a satellite photo)
- Dates when rehabilitation started and ended
- Representative photos before and after rehabilitation
- GPS coordinates of sites from where photos were taken
- Techniques used
- Approximate cost of rehabilitation (optional)

4. Concerning the rehabilitation of areas damaged by historic mining and prospecting within the licence area, scars or disturbed areas to be rehabilitated will be agreed to in writing and indicated on a map in conjunction with the operator and the MEFT and taking into consideration provisions of the National Heritage Act as well as other associated legislation *(from this Policy)*.

Certification of satisfactory or unsatisfactory rehabilitation and restoration

1. Rehabilitation processes shall be inspected and certified satisfactory or unsatisfactory by MEFT *(from Standard Condition 19).*
2. Where a certificate of unsatisfactory status is issued, the Holder shall be advised to carry-out certain tasks to meet the requirements *(from Standard Condition 19).*
3. Failure to meet the basic rehabilitation requirements shall be regarded by this Ministry as a breach of contract which will lead to legal action *(from Standard Condition 19).*
4. The decision whether rehabilitation has been satisfactory or unsatisfactory *cannot* be left to the opinion of one person. To ensure effective participation by the Department of Natural Resources and Regional Services, the Directorate of Wildlife and National Parks and the management personnel of protected areas, other areas with high value species or environmentally sensitive areas in these processes, it is essential to strengthen the framework for decision-making *(from protected area management plans and this Policy).*
5. If the goal of rehabilitation is accepted to as a minimum require that ecologically functional and stable landforms that are visually acceptable are created to enable longer-term biological rehabilitation to occur, the quality of rehabilitation can be assessed be developing an objective decision-making framework for assessing the adequacy of rehabilitation taking into account key parameters such as, but not restricted to *(from protected area management plans)*:
    - whether all dumps, pits, trenches and the like have been profiled, contoured and shaped to achieve a visually acceptable site
    - the degree to which ecologically functional and stable landforms have been developed that will enable long-term rehabilitation of biodiversity
    - the degree to which landscape values of scenic beauty and connectivity have been restored
    - the degree to which important ecological processes have been restored and the level of ecological and biological functionality of the restored site
    - the suitability of the restored site and surrounding landscape for other forms of use such as wildlife conservation and management and tourism
    - the degree to which all safety risks to humans and wildlife from past mining activities have been mitigated

- whether all redundant infrastructure has been removed or in exceptional cases repurposed to enhance the conservation management of the park or other fields such as environmental education as may be agreed by MEFT
- whether all pollution has been removed from soil and water
- whether all solid waste has been removed from the site

6. In no instance should MEFT consider that rehabilitation has been completed or has been satisfactorily done if formerly disturbed sites *(from protected area management plans)*:
    - continue to present safety risks to people and a threat to wildlife;
    - are not ecologically functional and stable
    - are not visually acceptable
    - continue to be polluted.
7. The Department of Natural Resources and Regional Services, the Directorate of Wildlife and National Parks and the management of the areas with high value species or environmentally sensitive areas must be part of the monitoring of the full compliance with restoration and rehabilitation requirements and deciding when rehabilitation has been satisfactory or unsatisfactory, and which remedial actions are to be taken in the event that rehabilitation is unsatisfactory *(from protected area management plans)*.
8. Rehabilitation is such an important issue in protected areas that a standardized approach needs to be followed regarding mandatory rehabilitation inter alia by creating a transparent process with public participation which should include participation by cross-cutting societal representation including responsible mining companies for assessing the adequacy of rehabilitation *(from protected area management plans)*.
9. On completion of operations, prospecting or mining, the MEFT will issue a final closure report stating that restoration has been completed in accordance with these Rehabilitation and Restoration Guidelines *(from this Policy)*.

<u>Monitoring of rehabilitation and restoration</u>

1. A photo record must be established by protected area management of sites to be impacted and access routes to such sites to serve as a baseline *(from Standard Condition 20)*.
2. The process of biological recolonization of disturbed and subsequently rehabilitated sites in hyper-arid areas is expected to occur in the medium- to long-term. Such recolonization and the restoration of ecological functionality need to be monitored in the long-term by park management. Thus, at the very least, the following information is needed concerning rehabilitation *(from protected area management plans)*
    a. Locality and extent of rehabilitated sites (GPS coordinates for localized sites and for larger areas, a map that could be based on a satellite photo)
    b. Dates when rehabilitation started and ended
    c. Representative photos before and after rehabilitation
    d. GPS coordinates of sites from where photos were taken
    e. Techniques used
    f. Approximate cost of rehabilitation (optional)
3. MEFT should require that all mining license holders must submit a register and map of all rehabilitated sites upon closure to facilitate long-term monitoring of rehabilitated sites rehabilitation *(from protected area management plans).*
4. Mandatory rehabilitation of exploration and mining is a compliance issue with legal implications and exploration and mining companies may see information about rehabilitation as sensitive. The Holder has to comply with standard requirements for recording information about rehabilitation

work done in the protected area and make that information available to protected area managers *(from protected area management plans).*

Note that financial provisions for rehabilitation and restoration are covered in Section 6.5 Closure and Restoration.

ANNEX 12: Implementation Action Plan

Action Steps			KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
1	**Approve and Implement the Updated and expanded National policy on Prospecting and Mining in Protected Areas and Other Areas with High Value Species and Environmentally Sensitive Areas**							
	1.1	Revised policy is approved by MEFT and MME	Policy is approved	MEFT, MME		2025	0.00	
	1.2	Policy is launched	Policy is launched	MEFT, MME		2025		
	1.3	Policy is distributed to relevant stakeholders including the MLAC with a letter from the Ministers of MME and MEFT explaining the implications of the policy.	Acknowledgement of receipt	MEFT, MME		Within 2 months of the policy being approved	0.00	
	1.4	Policy is implemented by the MLAC for reviewing applications for exploration and Mining in Protected Areas, other areas with high value species and	Records of Decision on applications to reflect provisions of the policy	MLAC	Member Ministries	Within 2 months of the policy being approved	0.00	

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		environmentally sensitive areas							
	1.5	Create a Technical Committee to track progress on Policy Implementation							
		1.5.1	Identify and appoint members from MEFT and MME	Committee instituted	MEFT, MME		Within 1 year of the policy being approved		
		1.5.2	Appoint focal point persons within MEFT and MME to facilitate implementation of the Policy.	Focus people identified and appointed	MEFT, MME		Within 1 year of the policy being approved		
		1.5.3	Hold annual policy implementation review meetings	Minutes of meetings	MEFT, MME	Independent observers from stakeholder group	Annual		
2	**Update and expand the current Mining Cadastre to reflect the revised exclusion zones as defined by the Park Management Plans and the proposed DST**								
	2.1	MME provided with updated zonation and exclusion shapefiles for Protected Areas		Data provided	MEFT		Immediate when policy is approved	0.00	

Action Steps			KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	2.2	Cadastre is updated for immediate implementation	Cadastre is updated	MME		Immediate when policy is approved	0.00	
	2.3	Applications submitted to the MLAC are reviewed according to the updated Cadastre	Records of Decision on applications reflect provisions of the policy	MPMRAC	MEFT, MME	Immediate when policy is approved	0.00	
	2.4	Expand the exclusion zones on the Cadastre to include areas with high value species and environmentally sensitive areas once data becomes available	Cadastre is updated	MEFT, MME		Immediate when policy is approved	0.00	
3	**Develop a Decision Support Tool to inform the MLAC when assessing prospecting and mining applications**					Develop the DST within 1 year of the policy being approved	1,500,000.00	Donor
	3.1	Establish a task team or working group to oversee the development, management and maintenance of an online, web-based GIS DST	Working group established and team members identified	MEFT, MME	WWF, NRWG	1 month	15,000.00	MEFT, MME, Donor
		3.1.1 Identify the technology and software to be used for the	DST architecture established and suitable software identified	MEFT, MME	WWF, NRWG	1 month	80,000.00	MEFT, MME, Donor

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
			establishment of DST						
		3.1.2	Identify where and how the DST fits in the workflow of the MLAC and the application procedures	Workflow diagram outlining the use of the DST in the decision-making process	MEFT, MME	WWF, NRWG	1 month	10,000.00	MEFT, MME, Donor
		3.1.3	Identify and collect relevant existing and available datasets, including documents, guidelines and reports, relating to areas qualifying to be excluded from prospecting and mining.	Database of existing datasets is available as well as a library of relevant documents and reports	MEFT, MME	WWF, NRWG	3 months	100,000.00	MEFT, MME, Donor
		3.1.4	Creation of online, web-based DST.	Web based DST version is published for testing	MEFT, MME	WWF, NRWG	3 months	1,000,000.00	MEFT, MME, Donor

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		3.1.5	Establish relationships with governmental and private sector data providers	Important governmental and private sector data providers identified and relationship established	MEFT, MME	WWF, NRWG	3 months	30,000.00	MEFT, MME
		3.1.6	Driving the further development of the DST in terms of technology used, the closure of possible data gaps, and the initiation of further data analysis and modelling to improve the knowledge base and the decision-making process	Report on data gap analysis available, including the identification of potential missing critical data layers as well as recommendations for further strategic data collection and modelling efforts	MEFT, MME	WWF, NRWG	3 months	100,000.00	MEFT, MME, Donor
		3.1.7	Develop a country-wide biodiversity sensitivity map and interpretive analysis to further strengthen the DST	Namibian Sensitivity Map with Interpretation is available.	MEFT, MME	WWF, NRWG, Gobabeb	Within 2 years of the policy being approved	1,500,000.00	MEFT, MME, Donor
	3.2	Annual Review of DST and data							

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		3.2.1	Identify and appoint a panel of experts with the mandate to review the DST and its data content in terms of data quality and usability and make recommendations for improvements and further development.	List of selected experts available and panel established	MEFT, MME	WWF, NRWG	1 month	10,000.00	MEFT, MME
		3.2.2	Annual DST and data review workshops	Data review workshop held	MEFT, MME	WWF, NRWG	3 days Annually	150,000.00	MEFT, MME
4	**Enhance MEFT Capacity**								
	4.1	Establish Institutions - MEFT sub-committee on the Review of the applications for prospecting and mining in Protected Areas, other areas with high value species and environmentally sensitive areas			MEFT	Interim hosting at WWF/NRWG			
		4.1.1	Appoint staff		MEFT		Within 1 month of the policy being approved	0.00	

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		4.1.2	Develop a ToR and Mandate for the committee		MEFT		Within 1 month of the policy being approved	0.00	
		4.1.3	Review applications using the DST and advise MLAC		MEFT		Within 1 month of the DST being approved and commissioned	0.00	
	4.2	Appoint MEFT staff as Environmental Inspectors			MEFT				
		4.2.1	Create warden level posts in each region for an Environmental Inspector through the Public Service Commission	10 posts created and filled	MEFT	PSC		1,000,000.00	New budget allocation for new staff posts.
		4.2.2	In addition, identify, train and appoint Warden/Chief Wardens in each region and PA as EI's	Warden/Chief Warden trained and appointed as an EI for each area	MEFT	Consultant for training	Within 2 months of the policy being approved	50,000.00	Training cost
	4.3	Engage with MME and the Diamond Commissioner to include appropriate MEFT staff under Section 52 (1) of the Diamond Act 13 of 1999.			MEFT				

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		4.3.1	Amend the Diamond Act 13 of 1999 to recognize MEFT officials and Environmental Inspectors under section 52 (1) and grant them access to restricted areas as envisaged under sec. 52 (2) of the Act.	MEFT staff are recognized by the Diamond Act with same authority as Police, MFMR and Labour Inspectors.	MEFT, MME	MoJ	Within 6 months of the policy being approved	0.00	
5	**Refine the guidelines on Rehabilitation through a Consultative process.**								
	5.1	Review current rehabilitation requirements							
		5.1.1	Create an impacted site database and identify and enter all sites within protected areas, other areas with high value species and environmentally sensitive areas		MEFT, MME		Within 1 year of the policy being approved	100,000.00	MEFT, MME, Donor

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	5.2	Identify key stakeholders and hold a consultative workshop to develop agreed rehabilitation guidelines		Workshop held	MEFT, MME	Consultant	Within 2 years of the policy being approved	300,000.00	MEFT, MME, Donor
	5.3	Develop an updated rehabilitation guideline framework		Agreed Framework Document	MEFT, MME		Within 2 years of the policy being approved		
			Prioritise sites for rehabilitation	Prioritised list of sites	MEFT, MME		Within 2 years of the policy being approved		
			Develop workplan	Workplan available	MEFT, MME		Within 2 years of the policy being approved		
			Implement workplan	Implementation underway	MEFT, MME		Within 1 year of the workplan being approved	1,500,000.00/year for seven years	MEFT, MME, Donor/EIF
6	**Increase Exploration and Mining Licence Sites Inspections and Monitoring**								
	6.1	Conduct an Annual Environmental Audit on all Exploration and Mining Licence Sites in PAs and IBAs		Annual Environmental Audit for each site	MEFT		Annual	Operational costs	MEFT Operational Budget
	6.2	Conduct at least 3 ad hoc compliance inspections on all Exploration and Mining Licence Sites in PA's and IBAs		3 Compliance Inspection Reports for each site	MEFT		Every 3 months	Operational costs	MEFT Operational Budget

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	6.3	Resolve Disputes or Contraventions of Conditions contained in an Environmental Clearance Certificate or an Environmental Management Plan or Disregarding the Provisions of this Policy in exploration or mining sites in protected areas, other areas with high value species and environmentally sensitive areas			MEFT, MME		As required	Operational costs	MEFT Operational Budget
		6.3.1	Senior officials of MEFT, MME, and MFMR (where applicable) may constitute a Joint Technical Committee to carry out inspections or investigations		MEFT, MME		As required		
		6.3.2	Joint Technical Committee to undertake an onsite Inspection	Site visit completed	MEFT, MME		Within 1 month of Dispute being reported		

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		6.3.3	Review the dispute and make recommendations to the Ministers of MEFT and MME on a decision	RoD from Ministers	MEFT, MME		Within 1 month of site visit		
		6.3.4	Execute the Ministers decision	RoD Implemented	MEFT, MME		With immediate effect		
7	**Develop an Advocacy and Information Dissemination Strategy**								
	7.1	Identify key stakeholders and create a stakeholder database		Key stakeholders identified Stakeholder database created			Within one year of policy being approved	500,000.00	WWF, EIF
		7.1.1	Civil society including communal areas and NGO stakeholder groups		MEFT, MME	WWF, IRDNC	Within one year of policy being approved		
		7.1.2	Industry stakeholders		MEFT, MME	WWF	Within one year of policy being approved		
		7.1.3	Government and para-statal stakeholders		MEFT, MME		Within one year of policy being approved		
	7.2	Draft a content development and information sharing and dissemination strategy to reach target groups		Content development and information sharing and dissemination strategy has been drafted.	MEFT, MME	MME, WWF, IRDNC	Within one year of policy being approved		

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		7.2.1	Utilize existing structures to disseminate policy information to local level resource managers and communities	Policy information has been disseminated through existing channels	MEFT, MME		Within 3 months of information and messages being drafted.		
		7.2.2	Identify new communication channels to reach specific target groups	New communication channels have been identified.	MEFT, MME		Within one year of policy being approved		
		7.2.3	Formulate target-specific messages and information	Target-specific messages and information have been formulated	MEFT, MME		Within 3 months of strategy being drafted		
	7.3	Develop an Advocacy Programme to gain political will and high-level support for this policy		Programme to reach political and decision makers and industry and civil society leaders has been developed.	MEFT, MME	WWF	Within one year of policy being approved		
		7.3.1	Identify target groups from civil Society, Government and Industry.	Target groups have been identified	MEFT, MME		Within one year of policy being approved		
		7.3.2	Engage decision makers such as Parliamentarians, Executive Directors in	Identified decision makers and leaders have been engaged	MEFT, MME		Within one year of policy being approved		

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
			key ministries, Captains of Industry and civil Society Leaders.						
		7.3.3	Establish awareness education desks in stakeholder institutions to inform decision-makers on the policy	Awareness and education desks have been established	MEFT, MME		Within one year of the		
	7.4	Ensure field staff are kept updated on the policy							
		7.4.1	Field staff are informed on the implications of the policy				Within 3 months of policy being approved and implemented.		
		7.4.2	Field staff are part of the communication strategy						
8	**Financing Mechanisms**			**needs to be added**					
9	**Resource mobilisation**								
	9.1	Government recognizes that increased resource mobilization is needed to maximize Policy implementation to achieve the							

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		objectives. Resource mobilization will be undertaken through:							
		9.1.1	Allocation of resources for the implementation of the Policy by the government to MEFT and MME.	Sufficient resources have been allocated to implement policy	MEFT, MME	GRN	Within one year of policy being approved		
		9.1.2	Identifying funding support from diverse sources including regional and international donor agencies, foundations and through private sector involvement;	Funding support has been identified	MEFT, MME		Within one year of policy being adopted, then ongoing through life of policy as required		
		9.1.3	Establishment of strategic partnerships with various organizations, regional bodies or centres of excellence with a view to pooling resources	Strategic partnerships have been formed.	MEFT, MME		Within one year of policy being adopted, then ongoing through life of policy as required		

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
			and/or widening opportunities and possibilities for mobilizing resources from various sources.						
		9.1.4	Identification and maximization of opportunities for technical cooperation with regional and international organizations, institutions and development assistance agencies.	Technical cooperation opportunities have been identified. Cooperation is underway.	MEFT, MME		Within one year of policy being adopted, then ongoing through life of policy as required		
		9.1.5	Ensuring the efficient use of available resources and adoption of cost-effective approaches to capacity-building.	Cost effective approaches to capacity building have been adopted.	MEFT, MME		Within one year of policy being adopted, then ongoing through life of policy as required		
10	**Review Policy after 10 Years**								
	10.1		Conduct a policy review workshop with all staff working with and	Workshop held	MEFT, MME	Consultant	After 10 years	250,000.00	EIF, WWF

Action Steps			KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		implementing the policy and key stakeholders						
	10.2	Incorporate input from the stakeholder workshop to compile a policy review document to guide policy revision if required	Policy Review Document and recommendations	MEFT, MME	Consultant	Within 2 months of the policy review workshop	100,000.00	EIF, WWF
	10.3	Incorporate recommendations of the Policy Review into an updated or revised policy	Updated or Revised Policy	MEFT, MME	Consultant	Within 3 months of the policy review document	100,000.00	EIF, WWF

Action Steps			KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
1	**Approve and Implement the Updated and expanded National policy on Prospecting and Mining in Protected Areas and Other Areas with High Value Species and Environmentally Sensitive Areas**							
	1.1	Revised policy is approved by MEFT and MME	Policy is approved	MEFT, MME			0.00	
	1.2	Policy is launched	Policy is launched	MEFT, MME				
	1.3	Policy is distributed to relevant stakeholders including the MLAC with a letter from the Ministers of MME	Acknowledgement of receipt	MEFT, MME		Within 2 months of the policy being approved	0.00	

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		and MEFT explaining the implications of the policy.							
	1.4	Policy is implemented by the MLAC for reviewing applications for exploration and Mining in Protected Areas, other areas with high value species and environmentally sensitive areas		Records of Decision on applications to reflect provisions of the policy	MPMRAC	Member Ministries	Within 2 months of the policy being approved	0.00	
	1.5	Create a Technical Committee to track progress on Policy Implementation							
		1.5.1	Identify and appoint members from MEFT and MME	Committee instituted	MEFT, MME		Within 1 year of the policy being approved		
		1.5.2	Appoint focal point persons within MEFT and MME to facilitate implementation of the Policy.	Focus people identified and appointed	MEFT, MME		Within 1 year of the policy being approved		
		1.5.3	Hold annual policy implementation review meetings	Minutes of meetings	MEFT, MME	Independent observers from stakeholder group	Annual		

Action Steps			KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
2	**Update and expand the current Mining Cadastre to reflect the revised exclusion zones as defined by the Park Management Plans and the proposed DST**							
	2.1	MME provided with updated zonation and exclusion shapefiles for Protected Areas	Data provided	MEFT		Immediate when policy is approved	0.00	
	2.2	Cadastre is updated for immediate implementation	Cadastre is updated	MME		Immediate when policy is approved	0.00	
	2.3	Applications submitted to the MPMRAC are reviewed according to the updated Cadastre	Records of Decision on applications reflect provisions of the policy	MPMRAC	MEFT, MME	Immediate when policy is approved	0.00	
	2.4	Expand the exclusion zones on the Cadastre to include areas with high value species and environmentally sensitive areas once data becomes available	Cadastre is updated	MEFT, MME				
3	**Develop a Decision Support Tool to inform the MLAC when assessing prospecting and mining applications**					Develop the DST within 1 year of the policy being approved	1,500,000.00	Donor

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	3.1	Establish a task team or working group to oversee the development, management and maintenance of an online, web-based GIS DST		Working group established and team members identified	MEFT, MME	WWF, NRWG	1 month	10,000.00	MEFT, MME, Donor
		3.1.1	Identify the technology and software to be used for the establishment of DST	DST architecture established and suitable software identified	MEFT, MME	WWF, NRWG	1 month	50,000.00	MEFT, MME, Donor
		3.1.2	Identify where and how the DST fits in the workflow of the MPMRAC and the application procedures	Workflow diagram outlining the use of the DST in the decision-making process	MEFT, MME	WWF, NRWG	1 month	10,000.00	MEFT, MME, Donor
		3.1.3	Identify and collect relevant existing and available datasets, including documents, guidelines and reports, relating to areas qualifying to be excluded from prospecting and mining.	Database of existing datasets is available as well as a library of relevant documents and reports	MEFT, MME	WWF, NRWG	3 months	100,000.00	MEFT, MME, Donor

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		3.1.4	Creation of online, web-based DST.	Web based DST version is published for testing	MEFT, MME	WWF, NRWG	3 months	1,000,000.00	MEFT, MME, Donor
		3.1.5	Establish relationships with governmental and private sector data providers	Important governmental and private sector data providers identified and relationship established	MEFT, MME	WWF, NRWG	3 months	30,000.00	MEFT, MME
		3.1.6	Driving the further development of the DST in terms of technology used, the closure of possible data gaps, and the initiation of further data analysis and modelling to improve the knowledge base and the decision-making process	Report on data gap analysis available, including the identification of potential missing critical data layers as well as recommendations for further strategic data collection and modelling efforts	MEFT, MME	WWF, NRWG	3 months	100,000.00	MEFT, MME, Donor
		3.1.7	Develop a country-wide biodiversity sensitivity map and interpretive analysis to	Namibian Sensitivity Map with Interpretation is available.	MEFT, MME	WWF, NRWG, Gobabeb	Within 2 years of the policy being approved	1,000,000.00	MEFT, MME, Donor

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
			further strengthen the DST						
	3.2	Annual Review of DST and data							
		3.2.1	Identify and appoint a panel of experts with the mandate to review the DST and its data content in terms of data quality and usability and make recommendations for improvements and further development.	List of selected experts available and panel established	MEFT, MME	WWF, NRWG	1 month	10,000.00	MEFT, MME
		3.2.2	Annual DST and data review workshops	Data review workshop held	MEFT, MME	WWF, NRWG	3 days Annually	150,000.00	MEFT, MME
4	**Enhance MEFT Capacity**								
	4.1	Establish Institutions - MEFT sub-committee on the Review of the applications for prospecting and mining in Protected Areas, other areas				Interim hosting at WWF/NRWG			

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		with high value species and environmentally sensitive areas							
		4.1.1	Appoint staff		MEFT		Within 1 month of the policy being approved	0.00	
		4.1.2	Develop a ToR and Mandate for the committee		MEFT		Within 1 month of the policy being approved	0.00	
		4.1.3	Review applications using the DST and advise MPMRAC		MEFT		Within 1 month of the policy being approved	0.00	
	4.2	Appoint MEFT staff as Environmental Inspectors							
		4.2.1	Create warden level posts in each region for an Environmental Inspector through the Public Service Commission	10 posts created and filled	MEFT	PSC		1,000,000.00	New budget allocation for new staff posts.
		4.2.2	In addition, identify, train and appoint Warden/Chief Wardens in each region and PA as EI's	Warden/Chief Warden trained and appointed as an EI for each area	MEFT	Consultant for training	Within 2 months of the policy being approved	25,000.00	

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	4.3	Engage with MME and the Diamond Commissioner to include appropriate MEFT staff under Section 52 (1) of the Diamond Act 13 of 1999.							
		4.3.1	Amend the Diamond Act 13 of 1999 to recognize MEFT officials and Environmental Inspectors under section 52 (1) and grant them access to restricted areas as envisaged under sec. 52 (2) of the Act.	MEFT staff are recognized by the Diamond Act with same authority as Police, MFMR and Labour Inspectors.	MEFT, MME	MoJ	Within 6 months of the policy being approved	0.00	
5	**Refine the guidelines on Rehabilitation through a Consultative process.**								
	5.1	Review current rehabilitation requirements							
		5.1.1	Create an impacted site database and identify and enter all sites within protected areas, other		MEFT, MME		Within 1 year of the policy being approved	100,000.00	MEFT, MME, Donor

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
			areas with high value species and environmentally sensitive areas						
	5.2	Identify key stakeholders and hold a consultative workshop to develop agreed rehabilitation guidelines		Workshop held	MEFT	MME, Consultant	Within 2 years of the policy being approved	300,000.00	MEFT, MME, Donor
	5.3	Develop an updated rehabilitation guideline framework		Agreed Framework Document	MEFT, MME		Within 2 years of the policy being approved		
			Prioritise sites for rehabilitation	Prioritised list of sites	MEFT, MME		Within 2 years of the policy being approved		
			Develop workplan	Workplan available	MEFT, MME		Within 2 years of the policy being approved		
			Implement workplan	Implementation underway	MEFT, MME		Within 1 year of the workplan being approved	1,500,000.00/year for seven years	MEFT, MME, Donor /EIF
6	**Increase Exploration and Mining Licence Sites Inspections and Monitoring**								
	6.1	Conduct an Annual Environmental Audit on all Exploration and Mining Licence Sites in PAs and IBAs		Annual Environmental Audit for each site	MEFT	MME	Annual	Operational costs	MEFT Operational Budget

Action Steps			KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	6.2	Conduct at least 3 ad hoc compliance inspections on all Exploration and Mining Licence Sites in PA's and IBAs	3 Compliance Inspection Reports for each site	MEFT		Every 3 months	Operational costs	MEFT Operational Budget
	6.3	Resolve Disputes or Contraventions of Conditions contained in an Environmental Clearance Certificate or an Environmental Management Plan or Disregarding the Provisions of this Policy in exploration or mining sites in protected areas, other areas with high value species and environmentally sensitive areas		MEFT, MME		As required	Operational costs	MEFT Operational Budget
		6.3.1 Senior officials of MEFT, MME, and MFMR (where applicable) may constitute a Joint Technical Committee to carry out inspections or investigations		MEFT, MME		As required		

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		6.3.2	Joint Technical Committee to undertake an onsite Inspection	Site visit completed	MEFT, MME		Within 1 month of Dispute being reported		
		6.3.3	Review the dispute and make recommendations to the Ministers of MEFT and MME on a decision	RoD from Ministers	MEFT, MME		Within 1 month of site visit		
		6.3.4	Execute the Ministers decision	RoD Implemented	MEFT, MME		With immediate effect		
7	**Develop an Advocacy and Information Dissemination Strategy**								
	7.1	Identify key stakeholders and create a stakeholder database		Key stakeholders identified Stakeholder database created			Within one year of policy being approved	500,000.00	WWF, EIF
		7.1.1	Civil society including communal areas and NGO stakeholder groups		MEFT, MME	WWF, IRDNC			
		7.1.2	Industry stakeholders		MEFT, MME	WWF			
		7.1.3	Government and para-statal stakeholders		MEFT, MME				

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	7.2	Draft a content development and information sharing and dissemination strategy to reach target groups		Content development and information sharing and dissemination strategy has been drafted.	MEFT	MME, WWF, IRDNC	Within one year of policy being approved		
		7.2.1	Utilize existing structures to disseminate policy information to local level resource managers and communities	Policy information has been disseminated through existing channels					
		7.2.2	Identify new communication channels to reach specific target groups	New communication channels have been identified.					
		7.2.3	Formulate target-specific messages and information	Target-specific messages and information have been formulated					
	7.3	Develop an Advocacy Programme to gain political will and high-level support for this policy		Programme to reach political and high level officials and industry and civil society leaders has been developed.	MEFT, MME	WWF	Within one year of policy being approved		
		7.3.1	Identify target groups from civil Society, Government and Industry.	Target groups have been identified	MEFT, MME				

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
		7.3.2	Engage decision makers such as Parliamentarians, Executive Directors in key ministries, Captains of Industry and civil Society Leaders.	Identified decision makers and leaders have been engaged	MEFT, MME				
		7.3.3	Establish awareness education desks in stakeholder institutions to inform decision-makers on the policy	Awareness and education desks have been established	MEFT, MME		Within one year of the		
	7.4	Ensure field staff are kept updated on the policy							
		7.4.1	Field staff are informed on the implications of the policy						
		7.4.2	Field staff are part of the communication strategy						
8	**Financing Mechanisms**			**needs to be added**					
9	**Resource mobilisation**								

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
	9.1	Government recognizes that increased resource mobilization is needed to maximize Policy implementation to achieve the objectives. Resource mobilization will be undertaken through:							
		9.1.1	Allocation of resources for the implementation of the Policy by the government to MEFT and MME.	Sufficient resources have been allocated to implement policy	MEFT, MME	GRN	Within one year of policy being approved		
		9.1.2	Identifying funding support from diverse sources including regional and international donor agencies, foundations and through private sector involvement;	Funding support has been identified	MEFT, MME		Within one year of policy being adopted, then ongoing through life of policy as required		
		9.1.3	Establishment of strategic partnerships	Strategic partnerships have been formed.	MEFT, MME		Within one year of policy being adopted, then ongoing through		

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
			with various organizations, regional bodies or centres of excellence with a view to pooling resources and/or widening opportunities and possibilities for mobilizing resources from various sources.				life of policy as required		
		9.1.4	Identification and maximization of opportunities for technical cooperation with regional and international organizations, institutions and development assistance agencies.	Technical cooperation opportunities have been identified. Cooperation is underway.	MEFT, MME		Within one year of policy being adopted, then ongoing through life of policy as required		
		9.1.5	Ensuring the efficient use of available resources and adoption of cost-effective approaches to	Cost effective approaches to capacity building have been adopted.	MEFT, MME		Within one year of policy being adopted, then ongoing through life of policy as required		

Action Steps				KPI	Lead Implementing Agencies	Support Implementing Agencies	Time Frame	Budget	Source
			capacity-building.						
10	**Review Policy after 10 Years**								
	10.1	Conduct a policy review workshop with all staff working with and implementing the policy and key stakeholders		Workshop held	MEFT, MME	Consultant	After 10 years	250,000.00	EIF, WWF
	10.2	Incorporate input from the stakeholder workshop to compile a policy review document to guide policy revision if required		Policy Review Document and recommendations	MEFT, MME	Consultant	Within 2 months of the policy review workshop	100,000.00	EIF, WWF
	10.3	Incorporate recommendations of the Policy Review into an updated or revised policy		Updated or Revised Policy	MEFT, MME	Consultant	Within 3 months of the policy review document	100,000.00	EIF, WWF