



Netherlands Commission for
Environmental Assessment

Advice on tender process for the Zambezi Multi-Sector Agenda/ SEA/ PEOTT

Memorandum by the NCEA

MOZAMBIQUE



7 September 2013



Advice of the Secretariat

To Zambezi Valley Agency, UATA
Attn Mr Gido Mulhovo, Mr Roberto Mito
From The Netherlands Commission for Environmental Assessment, NCEA
Date September 17, 2013

Subject **Advice on tender process for the Zambezi Multi-Sector
Agenda/SEA/PEOTT**

By: Secretariat of the Netherlands Commission for Environmental
Assessment – Reinoud Post/Ineke Steinhauer/Peter Tarr

Advice 2013-04

1. INTRODUCTION

The NCEA visited Maputo from 9–13 September 2013, to finalize the work that was foreseen in previous missions (5–9 July 2013 and 26–30 August 2013). The aim of this visit was to provide support to the Agency, coaching it to help TPF revise the technical proposal, integrating the four elements of the proposal into one integrated process. Therefore UATA planned a workshop to take place on 11 and 12 September attended by UATA and relevant Mozambican counterparts, the consultants and NCEA. It was agreed that TPF would send their presentation and other relevant documents on beforehand to allow for thorough preparation of all parties involved.

In this so-called Advice of the NCEA secretariat, the NCEA makes observations on:

- The time frame for the planning/SEA process (Chapter 2)
- The work plan for the planning/SEA process as presented by TPF (Chapter 3)
- Suggestions for the further NCEA advisory process (Chapter 4).

The preliminary findings have already been discussed with Mr. Gido Mulhovo and Mr. Jan Huesken of the Netherlands Embassy of the last day of NCEA's visit (13 Sept.)

2. OBSERVATIONS ON THE TIME FRAME FOR THE PLANNING/SEA PROCESS

The Government has set the time frame for the SEA to 12 months with a possible extension of 2 month. The process has to be finished at the time of the elections.

- The NCEA has the opinion that 12 months is a very short period for such a complex and all-encompassing process. It is assumed that the present government is to approve the PEOTT. Depending on the moment when the present government is dissolved, the UATA has to calculate the available timeframe and live

- Following the national elections in 2014, key decision makers in the process might be changed. This can affect the process from planning to implementation. NCEA suggests that the government plans a series of multi-sector awareness workshops aiming at informing and empowering the new decision-makers and their teams to prevent disruption in the implementation process.

3. OBSERVATIONS ON TPFs WORKPLAN AND NEXT STEPS

3.1 NCEA recommendations on the work plan

- As first step, the Inception Report that has to be prepared, should present a table with a wish list of the base line information needed for each deliverable, and an additional column indicating where such data can be obtained. If the location of the data is not known, this becomes a point of discussion in the inception workshop (relevance of the data, really needed, where to find, need to collect the data still);
- The (public) participation and disclosure plan should be part and parcel of the Inception Report and include description of a dedicated website that the consultant will develop and keep updated for the Planning/SEA project. Attached to this Advice of the NCEA secretariat, two documents are given which can be used by the consultants by way of example: (i) a Public Consultation and Disclosure Plan for an ESIA for a hydropower project in the Lower Cunene River (Namibia) and (ii) an NCEA fact sheet on Public Participation in SEA (example from Macedonia).
- As one of the first steps, the Inception Report should program and describe in detail the envisaged capacity building needs assessment, specifying the individuals that will participate in the planning/SEA process and integrating their individual capacity building needs in the capacity building needs that were already identified in the Operational Plan submitted to the consultant in the week of 26 august ('Cronograma do Peott, da Avaliação Ambiental estrategica e Plano Multi sectorial 1ª fase).
- In the process towards this planning/SEA process for the lower Zambezi, the ADVZ, MICOA and the NCEA have trained 16 Mozambican trainers in Negotiation techniques for SEA with the objective that when the planning/SEA process for the lower Zambezi would take off, these trainers could train all individuals that would be involved in this planning/SEA process. The NCEA recommends that:
 - o such training is made part and parcel of the training program that the consultant develops and preferably takes place at the start of the program;
 - o the consultant uses the trainers that the ADVZ, MICOA and NCEA trained for this purpose.

- The Inception Report should spell out how (by which techniques) the consultant will develop the vision for the lower Zambezi basin; NCEA acknowledges that this should be done early in the process, as proposed by the consultant.
- The Inception Report should spell out how the consultant will develop overall Environmental Quality Objectives (environment, social, economic) in line with the Vision and with current environmental policy documents in Mozambique, and how such objectives will be broken down in objectives for developments in each sector.
- The environmental profiles that are currently part and parcel of the ToR for this process are static documents. They document the current land use, land use conflicts and probably the planned land use, but do not allow for adaptation of the data and visualisation of the physical consequences thereof. At the current requirement of the level of their detail (scale 1–50.000) their production is costly. The NCE recommends to study the option to make sub-models of the digital model for districts, so that district governments dispose of a dynamic tool for their development planning. This would probably be less costly (less detailed data collection) and more versatile.
- As to the integration of the Multi sector planning and the SEA, the NCEA would like to refer to the NCEA advice of November 2011, attached.
- Integration of the processes of Multi-sector agenda setting and the SEA will probably result in cost savings in terms of level of expert input in the process, allowing for a reduction of the overall budget.
- SEA knowledge (environmental, social and preferably economic) should be integrated in the Environmental, social and economic modules of the Digital Model so that the model will produce the impact assessment –in physical terms– for the various sector scenarios and the common scenarios. The results of these assessments will need to be validated by the SEA experts and the stakeholders. IN addition, the results of the model must complement the analysis of the Planning /SEA experts and the public. A key question, however, is the information that will be used as the main input into the model. The bottom line relating to this question is a thorough understanding of sectoral impacts, cumulative impacts and inter-sectoral linkages. The Inception Report should provide clarity on the methodology to be used in regards to the above.

3.2 Responses to earlier queries

During the previous missions various questions were posed to the consultants (also requested again in an e-mail by UATA) which have not yet been resolved:

- Team composition (certain disciplines missing e.g. tourism, energy, public health);
- Integration of processes as addressed in bullet nr. 8 and 9 above;

- The need for a technical Interactive workshop to discuss and verify various methodological issues. This workshop now took place on 11 and 12 September, but TPF sent an incomplete team to this workshop. Thus there was no discussion on methodology and this agenda item has been deferred to the inception workshop;
- Non-availability of the requested presentation on the approach, so that neither the UATA nor the NCEA could prepare themselves accordingly.

3.3 Recommendations for the composition of the consultants team

The Multi-sector Agenda Setting/SEA process, once integrated, will deal with important interests represented by strong parties. The process will have to address trade-offs and strike deals between these interest groups. NCEA recommends therefore to have this integrated process headed by a 'heavyweight' with proven facilitation and negotiation skills. Requirements to experts can therefore be summarized as follows:

- Not only (environmental/technical) knowledge, but also communication and dialogue abilities and connections to/network with planners/decision makers. This is because knowledge generates information for dialogue, but from dialogue also knowledge questions arise. The same holds true for the planning/decision making process.
- Network with planners is essential to find out what their information needs are and when they need it.

4. NCEA ROLE AND SUGGESTIONS FOR FURTHER INVOLVEMENT

To the NCEA it was unclear who is leading the tender procedure. It was confirmed that the Agency has delegated the management of the tender procedure to the UATA. It was also not entirely clear what contribution was expected from the NCEA, e.g:

- Is it a proactive role or a reactive role?
- To whom NCEA advises (Agency and/or UATA and/or Consultants and/or Embassy)?
- What aspects are we expected to advise on?:
 - o Contents
 - o Management of the tender process
 - o Management of the planning process
 - o Methodology of planning/ SEA
- What are the boundaries for NCEA in advising?
- Which communication lines may NCEA use?
- How will the entity that NCEA advises to, use the advice?

The NCEA would be happy to receive information on the expectation with regard to its advisory role, in line with what apparently already has been agreed with Mr. Mito.

Anticipating further clarification on NCEA's advisory role, suggestions for further NCEA involvement are:

- The NCEA will give detailed suggestions on how to improve the 12 September 2013 version of the work plan of the consultant company: Integration of elements, review of team and personal investment (level of effort) and budget, completeness of the work plan (see Chapter 3 above).
- UATA sends the Inception Report to NCEA before the inception workshop organised by UATA takes place. It is important that, next to the UATA, the following key persons should be present: overall team leader, the team leader of the Multi-sector agenda/SEA team, team-leader of the modelling team, team leader of the PEOTT. At the Inception workshop, the consultant is to present the Inception Report, outlining vision, strategy and timing of integrated activity implementation. UATA will present its comments on the Inception Report. NCEA prepares a report/presentation on its findings with regard to a review of the Inception Report and may be invited to attend the Inception workshop to present the presentation and/or report.
- The NCEA proposes to have a second advisory mission, workshop type, with the UATA and the consultant team (same composition as in Inception phase) at the onset of the process of writing down the results of the vision development, environmental quality objectives development and the impact assessment of the sector scenarios.
- Also, the UATA may ask the NCEA to review intermediate documents like e.g. the base line report and the internal review of the draft final plan/SEA. The NCEA will do these reviews from its offices in Utrecht.

**FIRST DRAFT FRAMEWORK OF THE PUBLIC CONSULTATION AND DISCLOSURE PLAN
FOR THE ESIA OF THE PROPOSED BAINES HYDROPOWER PROJECT IN THE LOWER
CUNENE RIVER.**

22 February 2009

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1 INTRODUCTION

The “Lower Cunene Hydropower Scheme Feasibility Study” was conducted from 1995 to 1997. This study was aimed at providing basic information about the feasibility of the proposed project and was funded by the Governments of Norway and Sweden. The proposed project soon became shrouded in controversy with the local Himba people and international environmental organisations heavily criticising the project for its potential impact on the environment and the local indigenous population. Key criticisms were based on the alleged failure to effect effective public participation, lack of respect for the Himba and questions about the viability of the project. Different variations of the scheme emerged from this study. The “Epupa Site” would have been the easiest to construct and operate but would have been highly disruptive of Himba Life because it would require flooding a broad valley extensively used by herders and farmers. The valley holds important resources and culturally important sites for the local Himba. It would also have flooded the Epupa Falls.

A review of the project, published in the Georgetown Environmental Law Review by Sydney Haring, (which is highly critical of the proposed project), argues that the Baines site which is located some 40km downstream from the Epupa Falls, in contrast, would create more technical difficulties and higher construction cost, but would displace far fewer people because the mountainous area is much less inhabited or used for grazing.

Namibia reportedly preferred the Epupa Site while Angola favoured the Baines site. Huge opposition to the plans by local and international NGO’s and refusal of the Himba to accept the dam to be built at the Epupa site saw the project being shelved and caused the two governments to consider other alternatives.

Ten years later, the power generation situation in Southern Africa has changed dramatically with serious shortages starting to emerge and the Governments are forced to reconsider the possibility of power generation from the lower Cunene. To this end, a Techno-Economic Consultant consisting of a consortium of four Brazilian Engineering firms has been appointed to investigate the technical feasibility and economic viability of developing a hydropower scheme at the Baines site. In addition, Environmental Resources Management (ERM) an independent environmental consultant was appointed to undertake an independent Environmental and Social Impact Assessment on the proposed project.

Judging from initial consultations with the Kunene Regional Council, it will be difficult to restore confidence in the participation process, especially among the local Himba Community because of their perception that their interests were largely ignored in the previous study, that they were treated in a disrespectful manner and that they were only consulted as an afterthought.

General stakeholder management was ineffective and this contributed to national and international resistance to the project, something which is still lurking in the minds of individuals and organisations that were involved.

The importance of effective and broad public participation in the ESIA process can therefore not be overstressed. It requires a well thought through plan designed to ensure that the mistakes made in the past are not repeated and that the negative and emotive perceptions that exist can be dealt with as effectively as possible.

Communication with stakeholders is an important part of the way that a project proponent must conduct its business, and communication with the project stakeholders is an essential component of any environmental and social impact assessment process. {The project proponent in this case is the governments of the Republic of Namibia and of Angola, represented by the Permanent Joint Technical Committee (PJTC)}. The PJTC and the consultants appointed to conduct the ESIA are committed to active and ongoing communication with all communities, organisations, groups and individuals with an interest in the proposed Baines Hydropower Project. To this end, the PJTC issued a Public Consultation and Disclosure Policy for the Baines Hydropower Environmental Study. This PCDP is designed to put this policy, which reflects international best practice, into effect.

2 OBJECTIVES OF THE PCDP

This document outlines the Public Consultation and Disclosure Plan for the ESIA for the Baines Hydropower Project in the lower Cunene River. It seeks to define a technically and culturally appropriate approach to and programme for public consultation and disclosure. The objectives of the plan are:

- To ensure that all stakeholders are included in the consultation and disclosure process;
- To ensure that initial information disclosure about the project is appropriate and comprehensible to non-technical stakeholders and the local population;
- To ensure that adequate and timely information is provided to project affected people and other stakeholders;
- To ensure that all stakeholders are given sufficient opportunity to voice their opinions and concerns;
- To ensure that these opinions and concerns influence project decisions.
- To ensure that regular feedback is provided to project-affected people; and
- To ensure that effective communication will continue during the construction and operational phases of the proposed project.

3 PROJECT OVERVIEW

The potential of the Cunene River as a location for a hydropower project was first considered by colonial powers at the turn of the 19th century. Since then dams and weirs have been constructed along the river including Gove and Ruacana. However political changes and instability have hindered efforts to construct an additional hydropower project. In the early 1990's the governments of Namibia and Angola again got together and ratified the Cunene River Agreement. This paved the way for a feasibility study on the construction of a hydropower scheme in the lower Cunene River. Various alternatives were investigated but the project ran into difficulties with the refusal of the local Himba population to accept the project and strong international resistance towards it.

3.1 THE EPUPA SCHEME

The Epupa scheme proposed a single dam and power station 7 km downstream of the Epupa Falls with a capacity of 300MW. The scheme was not reliant on any other dams or weirs in the area being operational. This was the preferred option of three schemes that were initially proposed and was considered to be technically feasible and the most economically viable. The Epupa Dam would, however, have inundated the Epupa Falls, permanently flooding 161 km² and covering an extended area at full capacity of up to 380 km² of land. This would have resulted in the flooding of 130 Himba graves, the loss of seasonal garden land and high quality pasture land, and would have affected 3,500-4,000 people dependent on the land. In addition, flora would have been lost along with terrestrial habitats of birds and monkeys, although a water source and aquatic habitat for birds would have been developed. The project was predicted to lead to a range of other consequences resulting from increased infrastructure in the area, increased accessibility and an influx of mainly male workers to construct the dam and power station.

The Epupa Dam project met with strong opposition from the Himba community and international non-governmental organisations (NGOs.) Objections centred on:

- land and water rights in the project area;
- impacts on the Himba's cultural traditions and way of life;
- changes to the health of the Himba;
- feasibility of any social mitigation measures including resettlement;
- long term economic viability;
- feasibility in terms of future water availability and drought;
- habitat and biodiversity changes;
- changes to water in the river in terms of flow and quality;
- changes to the river at the delta and mouth of the river; and
- preference for development of the Kudu Gas Field.

Many of these issues could not be addressed in previous studies due to the refusal of some local communities to discuss project alternatives and compensation schemes.

3.2 THE BAINES ALTERNATIVE.

The water resource of the Cunene River is substantial and although year to year and annual variation of flow is considerable, being a perennial river with a high mean annual flow the project offers considerable potential. The Baynes Hydropower project will harness the power of the Cunene River to supply both Namibia and Angola with a reliable source of power which will meet their future power requirements and reduce reliance for power on other nations such as South Africa.

The Baynes Hydropower alternative is now being considered as an appropriate, cost effective way to provide power after rejection of the Epupa Hydropower project. The Baynes Hydropower Project will lead to the construction of a hydropower project on the Cunene River 40 km downstream of the Epupa Falls with an operating capacity of about 300 MW. The Baynes Dam would be 200 meters high and would permanently flood an area of 19 km² with a maximum of 57 km² at peak level. This will have much lesser impact on traditional lands but it is estimated it will inundate some 10- 15 Himba graves. At the same site turbines will be installed along with a power plant, switch plant and ancillary structures. Power lines will be constructed from the plant to the nearest substations (subject to a separate EIA process). The Baynes Hydropower Station would not affect the Epupa Falls as these are upstream but may impact the river downstream including the river mouth.

The Governments of Angola and Namibia, through the Permanent Joint Technical Commissioned (PJTC), appointed an international consulting company **Environmental Resources Management (ERM)**, to undertake an Environmental Impact Assessment (EIA) for the proposed Baynes Hydro Project. The appointment of ERM followed a competitive tendering process and rigorous evaluation of the proposals received.

ERM has its headquarters in London, but is well established with offices in most regions of the world, including Southern Africa. The team for the EIA includes substantial local expertise, especially in the environmental and social fields.

In parallel with the EIA, a techno/economic study is being conducted by a Brazilian consortium. The two teams are independent of each other, but they will work closely with each other so that their respective studies are coherent and consistent, thus enabling objective decision making by the two governments.

The EIA shall provide decision-makers and stakeholders with a comprehensive evaluation of the impacts of the project on the natural and human environments, taking into account their local, regional, national and international importance. This will be done through a combination of scientific studies and stakeholder consultation. The EIA will include public participation that will enable the relevant government agencies, parastatals, NGOs, the interested publics in Angola and Namibia, and the affected communities in the project area, to voice their concerns, opinions and ideas about the project.

4 INTERNATIONAL AND NATIONAL REGULATIONS AND REQUIREMENTS

It is imperative that the public consultation and disclosure process satisfy international best practice. To this end a number of international guidelines shall be adhered to in the PCD process for this project. These include the International Finance Corporation, the Equator Principles, Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes and National Laws and Guidelines.

4.1 EQUATOR PRINCIPLES

Lenders that may become involved with the project will seek to ensure that the project is developed in a manner that is socially responsible and reflects sound environmental management practices. The principles state that “We believe that adoption of and adherence to these Principles offers significant benefits to ourselves, our borrowers and local stakeholders through our borrowers’ engagement with locally affected communities” (Equator Principles, 2006).

Key principles that are relevant to stakeholder engagement include Principle 2: Social and Environmental Assessment which highlights the requirements for “consultation and participation of affected parties in the design, review and implementation of the project” (Equator Principles, 2006). Principle 5: Consultation and Disclosure states that:

“for all Category A and as appropriate, Category B projects located in non-OECD countries the government, borrower or third party expert has consulted with project affected communities in a structured and culturally appropriate manner.

For projects with significant adverse impacts on affected communities, the process will ensure their free, prior and informed consultation and facilitate their informed participation as a means to establish, to the satisfaction of the EPFI, whether a project has adequately incorporated affected communities’ concerns.

The assessment documentation and AP or technical summaries thereof, will be made available to the public by the borrower for a reasonable minimum period in the relevant local language and in a culturally appropriate manner. The borrower will take account of and document the process and results of the consultation including any actions agreed resulting from the consultation. For projects with adverse social or environmental impacts, disclosure should occur early in the Assessment process and in any event before project construction commences, and on an ongoing basis.” (Equator Principles, 2006)

The Environmental Assessment and Environmental and Social Management Plans (ESMP) must take account of public consultation for Category A projects (such as this one) and will be subject to an independent expert review.

The Equator Principles also have specific requirements in relation to grievance mechanisms. Equator Principle 6: Grievance Mechanism states that:

“for all Category A and, as appropriate, Category B projects located in non-OECD countries to ensure that consultation, disclosure and community engagement continues throughout construction and operation of the project, the borrower will, scaled to the risks and adverse impacts of the project, establish a grievance mechanism as part of the management system. This will allow the borrower to receive and facilitate resolution of concerns and grievances about the project’s social and environmental performance raised by individuals or groups from among project-affected communities.” (Equator Principles, 2006)

The project is seeking financing from international finance institutions that are signatories to the Equator Principles. Equator Principle 3, which relates to applicable Social and Environmental Standards, states that for projects located in non-OECD countries the Social and Environmental Assessment will refer to the then applicable IFC Performance Standards.

4.2 IFC PERFORMANCE STANDARDS

4.2.1 Performance Standards for Stakeholder Engagement

Although all of the Performance Standards have relevant social aspects to them the IFC Performance Standards that were taken into consideration specifically when designing the current PCDP and in working towards the Stakeholder Engagement Plan are summarised in Table 1.

Table 1: Summary of IFC Performance Standard Requirements for Stakeholder Engagement

Standard	Key Components
Performance Standard 1: Social and Environmental Assessment and Management Systems	<ul style="list-style-type: none"> • Pertains to projects with social and environmental risks and impacts that ought to be managed in the early stages of project development and be ongoing throughout the life of the project. This approach necessitates the participation of IAPs in the process. • Highlights the importance of managing the social and environmental performance throughout the life of a project. A social and environmental management system must be established and maintained and be proportionate with the level of social and environmental risks and impacts. The development of a PCDP is recognised as a tool in such a management system.
Performance Standard 2: Labour and Working Conditions	<ul style="list-style-type: none"> • Recognises that the pursuit of economic growth through employment creation and income generation should be balanced with the protection of basic rights for workers. • Acknowledges that constructive worker-management relationships and safe and healthy working conditions may enhance the efficiency and productivity of operations.
Performance Standard 4: Community Health, Safety & Security	<ul style="list-style-type: none"> • Recognises that project activities, equipment and infrastructure bring benefits to communities including employment, services and opportunities for economic development. However, the project can also increase the potential for community exposure to risks from development. • Where project activities pose risks of adverse impacts on the health and safety of affected communities the developer is required to make available relevant information (including the details of an Action Plan), in an appropriate form, to affected parties and government authorities so that they can fully understand the nature and extent of the risks.
Performance Standard 5: Land Acquisition and Involuntary Resettlement	<ul style="list-style-type: none"> • In such instances the developer will undertake extensive consultation and negotiation with affected parties. Such communication will include transparent access to project related information in a timely fashion to enable people to plan for the future. Here public participation will include the establishment of appropriate representative forums through which resettlement and compensation are discussed. Most of this consultation is part of the SIA and Resettlement Action Plan but it should be recognised as a component of the PCDP. • Although resettlement is ALWAYS seen as a last resort, this Standard recognises that involuntary resettlement occurs as a result of projects and refers to both physical and economic displacement as a result of project related land use. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in their displacement. • Consultation shall also take place with host communities.
Performance Standard 6: Biodiversity Conservation and Sustainable Natural Resource Management	<ul style="list-style-type: none"> • Recognises that protecting and conserving biodiversity in all its forms is fundamental to sustainable development. • Where the project has potential impacts on legally protected or critical habitats consultation with relevant authorities, specialists and communities must be undertaken.

Standard	Key Components
Performance Standard 8: Cultural Heritage	<ul style="list-style-type: none"> • Recognises the importance of cultural heritage for current and future generations and is consistent with the convention concerning the protection of the world’s cultural and natural heritage. • Where sites of cultural heritage are potentially impacted by the project the developer will consult with local communities as well as relevant national authorities responsible for the maintenance of such sites.

4.2.2 Grievance Resolution

The Equator Principles and IFC Performance Standards also place great emphasis on the establishment of a grievance mechanism. Key requirements for developing and implementing a grievance mechanism are highlighted in each of the Performance Standards:

PS1 - Social and Environmental Assessment and Management

“The client will respond to communities’ concerns related to the project...will establish a grievance mechanism to receive and facilitate resolution of the affected communities’ concerns and grievances about the client’s environmental and social performance”

PS2 - Labour and Working Conditions

“The client will provide a grievance mechanism for workers (and their organisations,...) to raise reasonable workplace concerns...use an understandable and transparent process that provides feedback to those concerned”

PS4 - Community Health, Safety and Security

“A grievance mechanism should allow the affected community to express concerns about the security arrangements and acts of security personnel”

PS5 - Land Acquisition and Involuntary Resettlement

“The client will establish a grievance mechanism ...to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities...”

4.3 CONVENTION ON THE PROTECTION AND USE OF TRANS-BOUNDARY WATERCOURSES

The main objective of this convention is to prevent, control or reduce any trans-boundary impact resulting from the pollution of trans-boundary waters caused by human activity. Article 16 of the convention contains requirements for public information. Under these requirements, the parties have to ensure that information on the condition of trans-boundary waters, measures taken to control, reduce and mitigate trans-boundary water pollution and effectiveness of these measures are made available to the public. The information that has to be made available to the public includes:

- Water quality objectives (see guidelines for developing Water Quality Objectives and Criteria in Annex III of the Convention)
- Permits issued and the conditions required to be met; and
- Results of analysis of water sampling carried out for monitoring and assessment, and results of checking compliance with water quality objectives.

The parties have to ensure that the information is made available to the public of their states and is free of charge. Copies of the information must be provided to the riparian parties for reasonable payment.

4.4 NAMIBIAN ENVIRONMENTAL LEGISLATION AND GUIDELINES

The Environmental Management Act, 2007 (Act 7 of 2007) under the principles of environmental management, clause 3 (2) states the following:

- (a) Renewable resources must be used on a sustainable basis for the benefit of present and future generations;*
- (b) Community involvement in natural resources management and the sharing of benefits arising from the use of the resources, must be promoted and facilitated;*
- (c) the participation of all interested and affected parties must be promoted and decisions must take into account the interest, needs and values of interested and affected parties;*
- (d) equitable access to environmental resources must be promoted and the functional integrity of ecological systems must be taken into account to ensure the sustainability of the systems and to prevent harmful effects;*

However, the regulations dealing in more detail with the assessment process is currently in the process of being drafted. The draft guidelines deal with the consultation process under section 3.4 which determines that project proponents shall make all information about the project available to interested and affected parties, shall provide opportunity for such parties to comment or make representations, and provide feedback. In cases where a project may have an impact on a neighbouring state, this shall be brought to the attention of the Competent authority and be brought to the attention of such neighbouring state.

5 ROLES AND RESPONSIBILITIES

This section confirms the roles and responsibilities of those involved in the execution of the ESIA public consultation and disclosure process. In reviewing the Epupa EIA and Feasibility Process, one of the fatal flaws of that feasibility study was the perception that was (rightly or wrongly) created that the Government has put undue pressure on the directly affected parties to accept the proposed project, that they were treated with disrespect and that intimidation by the police was used to subdue local opinions and resistance to the proposed project. To prevent this from happening again, it is important to clearly define the roles and responsibilities of the various players in the public consultation, participation and disclosure process.

5.1 ROLES AND RESPONSIBILITIES OF THE PROJECT PROPONENT

The Angolan and Namibian governments, through the PJTC, are responsible for ensuring that conditions are conducive for a transparent and efficient public participation and disclosure process. In particular they must:

- Support the consultants by giving them free access to national, regional and local government structures
- Provide information freely to the consultants
- Remove unnecessary administrative and bureaucratic hurdles
- Avoid provocative or controversial statements
- Avoid manipulating stakeholders or pressurizing anyone to adopt a position about the project, and
- Facilitate or enable the Directly Affected Communities to participate meaningfully in the ESIA.

5.2 ROLES AND RESPONSIBILITIES OF THE ESIA TEAM

The IEA team will take full responsibility for all public participation, consultation and disclosure activities related to the EIA.

This responsibility includes but is not limited to:

- Identification of the key stakeholders and preparation of the Stakeholders list.
- Preparation of the PCDP and confirmation of this plan as acceptable to stakeholders, especially the directly affected communities.
- Negotiating access into the affected area for the ESIA team and determining the conditions of such access with the directly affected communities.
- Building capacity for participation.
- Ensuring appropriate and effective public disclosure of all information pertaining to the ESIA.
- Arranging for and facilitating all public consultation, participation and disclosure events.
- Setting up effective channels of communication with all stakeholders.
- Providing regular feedback to all stakeholders with respect to the findings of the consultation process and the recommendations of the specialists.
- Ensure that the consideration of mitigation measures is done in a participatory manner with the directly affected communities.
- Monitor the work of the specialist and ensure that they are operating in accordance with the agreements between the communities and the consultant.

Following the identification of the key stakeholders and the social and natural assets likely to be affected, the ESIA Consultants are responsible to prepare a Public Participation and Disclosure Plan to

constructively engage the stakeholders in the project. Consultation is critical in contributing to a sense of ownership of the project and/or its outcomes by the stakeholders and the plan must include mechanisms for participation by stakeholders in decision-making throughout **project planning, implementation, and evaluation.**

On a practical level, the ESIA team will take responsibility for the organisation of all aspects of consultation meetings and workshops inclusive of minute taking and recording of issues raised and commitments made. The team is also responsible for the distribution of all ESIA documents for review and comment as well as for limited translation of these documents into Portuguese to the benefit of the Angolan stakeholders.

The team will actively participate in all consultation meetings as well as workshops and public hearings and will also be responsible to respond on concerns and ideas raised through public consultation, the allocation of project finance public consultation and draw down on budgets dedicated to capacity building for participation, and ensuring that all public consultation and disclosure requirements of international agencies are met, inclusive of the documentation of results.

The ESIA team, within this context is also responsible to advise the proponent on the structure of the consultation process where requested by the project proponent.

6 CONSULTATION AND DISCLOSURE METHODOLOGY

6.1 OVERVIEW

The proposed project is an emotive one, rich in history and shrouded in controversy. During the initial outreach to regional government in the Kunene Region and early representations by the directly affected community, the ESIA team came under the impression of the distrust or scepticism that exist within not only the directly affected communities but also within the ranks of national and international NGO's and a variety of other stakeholders. This methodology sets the objectives and specific actions required to reach the objectives related to specific elements of public consultation and disclosure regarded as essential to ensure a rigorous consultation and disclosure process which can stand the test of local and international scrutiny and satisfy international best practice principles. The key elements addressed are:

- Broad based and effective public consultation and participation
- Identifying and addressing issues
- Managing public participation communications
- Participation in decision making
- Stakeholder and media management
- Stakeholder participation in management and monitoring.

6.2 BROAD BASED AND EFFECTIVE CONSULTATION AND PARTICIPATION

6.2.1 Objectives

To ensure that broad based and effective consultation and participation is achieved, five objectives need to be achieved. These are the effective management of cross-cultural issues, ensuring that all who wish to partake can do so easily, ensuring that there is adequate capacity within directly affected communities to participate meaningfully, ensuring that there are adequate resources within directly affected communities to participate effectively, and focusing on the correct consultation area.

6.2.2 Methodology

6.2.2.1 *Effective management of Cross-Cultural Issues*

The directly affected population has particular cultural beliefs and practices. It is important that all team members understand these and abide by them as far as possible. In particular, due respect must be accorded at all times to the chiefs and general population in the affected area. This requirement cannot be overstressed. To ensure that this happens, IRDNC staff will write a short brief of the do's and dont's of working and communicating with people in the Kunene Region. All team members will be required to follow these guidelines diligently and carefully.

A local liaison officer will be appointed to be available within the consultation area and communicate with the local leadership or its representatives. Before entering the consultation area, each team member or specialist will be required to inform the liaison officer about the nature of the work to be done, the localities where it will be done and the assistance required, if any. The liaison officer will then inform the local leadership or representatives about the visit and assist the team member(s) to bring the necessary courtesy visits and ask permission to do the required visits.

During the scoping phase, all visits, meetings and events will be arranged by the manager of the public participation process and team members will be informed accordingly.

6.2.2.2 Comprehensive stakeholder list

Stakeholder identification is undertaken to determine all of the organisations and individuals who may be directly or indirectly affected (positively or negatively) by the proposed development and who may be able to contribute to the programme of work due to their expert knowledge of and/or experience in the project area. To develop an effective stakeholder involvement programme it is necessary to determine exactly who the stakeholders are. This is due in part to recognition of the fact that different methods may be required to effectively involve the various stakeholder groups. In addition, different issues are likely to be of prime concern for each of these stakeholder groups.

In order to ensure that all potential stakeholders are identified and effectively consulted, the team will ensure that all stakeholders in the following categories are included in the list:

- ✓ Local communities
- ✓ Community Based Organisations
- ✓ General Population of Namibia and Angola
- ✓ Local Non-Governmental Organisations
- ✓ National Non-Governmental Organisations
- ✓ International Non-Governmental Organisations
- ✓ Academic and research institutions
- ✓ Project proponent
- ✓ The Governments of Namibia and Angola and its various ministries
- ✓ Project Partners
- ✓ Individual experts who contributed to the Epupa debate during the previous assessment.

To ensure that all individuals and organisations are included under these categories, the team will, based on stakeholder lists of the previous project, other existing stakeholder lists and stakeholder lists provided by the Kunene Regional Council, prepare a preliminary stakeholder list. This list will then be forwarded to various organisations to check it for completeness and to add any additional stakeholders.

Within the local communities, the stakeholder list will be discussed at the first meeting and checked for completeness. A brief project description will also be published in local newspapers in Namibia and Angola with an open invitation to register as a stakeholder for the proposed project.

6.2.2.3 Capacity Building

It is important to ensure that the directly affected population is able to participate in the process. This cannot be achieved without ensuring that they are capacitated to fully understand the scope and implications of the proposed project. This must be achieved before a final scoping exercise where it is beyond doubt that they can contribute on the basis of understanding the process and understanding the detail implications of the proposed project. To ensure this, the team will, prior to the final scoping meeting with directly affected communities, present the detail of the proposal to the traditional leaders and community members. In addition, a representative group, selected by the community will be taken to the site to clarify the proposals on the ground and enhance understanding of the implications of the proposal.

The presentation will be in the form of visual aids and maps which will show the dam inundation area, the positions of all other supporting infrastructure, the local landmarks using local names and any other features such as cattle posts, water points, river-crossing points, grave sites, significant riverine vegetation and any other local features that may be identified.

The site visit will be by vehicle and on foot using GPS locations to show the boundaries of the inundation area at certain places, the localities of the supporting infrastructure and the alignment of the power line that will be associated with the scheme.

6.2.2.4 Enabling effective participation

Given the remoteness of the region and the low population density, it is very difficult for local people and traditional leaders to attend meetings and also hold their own consultative meetings with their constituents. This difficulty has already been communicated to the ESIA team. To resolve this problem and enable the directly affected community to participate effectively, a budget and disbursement procedure will be included in phase 2 of the ESIA. This budget will be earmarked for transporting community members or their representatives to

meetings and workshops, provide for food during those events and provide for transport and accommodation of the Directly Affected People's representative committee to attend meetings in Windhoek, Luanda, Opuwo and Namibe. For Phase 1, the consultant team will prepare a budget for submission to the PJTC to enable local communities to attend the scheduled meetings and consult with their representatives. The detail of the budget and disbursement methods will be discussed with the community during the approval meeting for this plan.

6.2.2.5 Identifying the consultation area

Although the proposed scheme will have a definable direct impact in the form of the inundation area and the supporting infrastructure, land use patterns indicate that communities far beyond those boundaries is likely to be impacted. Without understanding the land use and transhumance patterns of the Himba, the consultation area will be defined in collaboration with the directly affected communities during the PCD consultative meeting, which will be the first consultative event in the engagement programme. However, this will not be regarded as fixed and will be amended if found necessary or on the advice of the local communities and specialists in the area.

6.3 IDENTIFYING AND ADDRESSING ISSUES

6.3.1 Objectives

To ensure the effective identification of key issues and to enable the team to address the issues effectively, three objectives need to be achieved. These are to ensure an effective scoping methodology, to ensure appropriate disclosure of all the detail related to the proposed project and to manage the issues that are raised effectively and transparently. The following methodologies will be used to achieve these objectives.

6.3.2 Methodology

6.3.2.1 Appropriate Disclosure

Various stakeholders require various methods and means of information dissemination to ensure that information are accessible and understandable within the given context. To ensure that the needs of all stakeholders are considered and that dissemination methodologies address these needs, a stakeholder engagement plan will be prepared. This plan will consider the specific needs of the various stakeholder groups and will detail an appropriate disclosure methodology for each of these groups. The stakeholder engagement plan and programme is discussed under section 7 of this plan.

6.3.2.2 Effective scoping

It is regarded as imperative that the scoping phase must be as effective and inclusive as possible. If inadequate attention is given to this, important issues may be omitted with the resultant negative impact on the quality of the scoping component of the ESIA. To ensure that scoping is done effectively and comprehensively, all stakeholders will be given an opportunity to raise issues of concern. The opportunities created for such engagement for all the various groups is provided in the stakeholder engagement plan. In addition to affording all I&AP's the opportunity to raise important issues, the consultant team will also systematically work through the previous feasibility study reports, EIA reports and the multitude of articles and commentary that resulted from the previous study.

6.3.2.3 Creating an issues trail

Managing the issues that are raised is important to ensure that none are forgotten or not recorded. Stakeholders must be sure that the issues they raise are regarded as important and are considered. To ensure that nothing fall through, the manager of the public participation process will record all issues in an issues list kept centrally for that purpose. This will not only remain a list but each issue will be checked for consideration and a statement will be made in the list as to how and where each of these issues has been dealt with. It will eventually form part of the PCD report.

6.4 MANAGING PUBLIC PARTICIPATION COMMUNICATIONS

6.4.1 Objectives

The objective of this element is to ensure that communication with stakeholders is effective and that specific emphasis is placed on the particular constraints and requirements of the various stakeholder groups.

6.4.2 Methodology

6.4.2.1 Local Liaison

Perhaps the most challenging aspect here is the ability to communicate effectively with the directly affected communities. The area is characterised by low density, remoteness of villages and an almost complete lack of access to modern communication equipment. Local radio signals are not available everywhere and a way must be devised to ensure that all directly affected communities are fully informed about all developments related to the proposed project. In order to solve this problem and ensure good communication, a community liaison officer will be appointed to disseminate information to rural residents through physical visits to the various chiefs and their constituents. Communication material will be provided by the ESIA team. The liaison officer will be required to stay in the area and have frequent visits to the local population. (S)he will be required to report back on each and every visit and to provide feedback to the manager of the participation process about all discussions and sentiments expressed by them.

6.4.2.2 Translation

Since the ESIA is conducted in both Angola and Namibia, some stakeholders require documents and reports to be translated into the Portuguese language while it is also desirable that executive summaries of key reports be translated into the local vernaculars. During Phase one of the study, PCDP, the issues list as well as the scoping report will be translated into both Portuguese and the local languages to ensure that communities have the ability to read these reports and have a solid basis of knowledge from which to participate in the process.

6.4.2.3 Media Releases

All communication related to the project will also be advertised in the local press in both Angola and Namibia. This includes invitations to register as stakeholders, notifications of meetings, summaries of key results and notifications of the places where information can be obtained throughout the duration of the ESIA. These will all be done jointly between the ESIA team and the PJTC to ensure that both parties are in agreement on the information so published. Media releases will target national stakeholder groups in both countries.

6.4.2.4 Web Site

In addition to using the local press to convey information, a project website will be developed and all public information will be posted to this web site. This will make information accessible to all stakeholders, nationally and internationally, who have access to the internet. The web address will be made known to all stakeholders through the meetings, media releases and personal contacts.

6.4.2.5 Feedback

In assessments like this, stakeholders invariably ask for feedback about the outcomes of their inputs as well as about the decisions and the recommendations that resulted from the assessment. All of the above media as well as individual e-mail reports will be used to provide feedback to stakeholders. Feedback will be provided in the form of minutes of all meetings and resolutions of all consultative sessions and workshops throughout the duration of the ESIA. It would also include the scoping report and places where hardcopy documentation would lie open to the public for inspection.

6.5 PARTICIPATION IN DECISION MAKING

6.5.1 Objectives

Public consultation and disclosure, in this case, should go beyond public meetings and feedback. It is imperative that especially the directly affected communities have an opportunity to decide how they would like to be consulted, how feedback must be provided, and to really participate in decision making related to dealing with the key issues and the design of mitigation measures. The objective of this element is therefore to ensure that stakeholders, especially the directly affected communities, have a realistic opportunity to influence decisions and recommendations resulting from the ESIA.

6.5.2 Methodology

6.5.2.1 Stakeholder Confirmation

Although the ESIA team will draft the various methodologies, plans and reports, these must be submitted to stakeholders for review and confirmation. This PCDP will be circulated internally first for comment and amendment. Thereafter, a copy will be made available to all stakeholders for information and comments will be considered. The draft will then be tabled at the first consultative meeting with the directly affected population, discussed, amended and adopted as the PCDP that will guide the ESIA. Minutes of all consultative events will also be circulated to stakeholders for confirmation and will be adopted at subsequent meeting or events.

6.5.2.2 Participation of Directly Affected Parties

Directly affected parties will be given an opportunity to participate in decision making at various levels. To achieve this, opportunities will be created where the ESIA team, together with the communities or their representatives, workshop key aspects of the assessment. These will mainly include the finalisation of reports, and decisions and recommendations resulting from the ESIA. More specifically, stakeholders will be enabled and allowed to amongst others, influence the TOR for the second phase of the study, to participate in the design of mitigation and enhancement measures, to participate in the design of compensation plans and to define their own roles in the management and monitoring of the project during construction and operation phases.

6.5.2.3 Demonstrating influence

Participation without actually influencing or perceived inability to influence decisions leads to resentment and negative perceptions about the process. It is therefore important that the team, throughout all aspects of the study allow the inputs and contributions of stakeholders to actually influence decision making. This must also be demonstrated to stakeholders to show how much their inputs are valued and considered. The entire team will take care to continuously point out how important stakeholder inputs are and will demonstrate through specific reference, how their inputs influenced decisions on this assessment.

The issues trail will also be used to demonstrate this through accurate record keeping on who raised the issue, when and where it was raised, how it was considered, how it was resolved and the influence of stakeholder participation in finding the most suitable solution or response to the specific issue.

6.6 STAKEHOLDER AND MEDIA MANAGEMENT

6.6.1 Objectives

Neglecting stakeholders and the media often lead to both these groups using their own resources and contacts to obtain information on which to base their opinions and reactions. This in turn can easily lead to inaccurate information being presented as fact and the formation of opinions and positions based on these inaccurate "facts". The objective of stakeholder and media management is therefore to ensure that all stakeholders and the media have open access to accurate project related information.

6.6.2 Methodology

6.6.2.1 Transparency

Perhaps the most important requirement to limit possible misinformation is to keep all aspects of the project as transparent as possible. No information resulting from the ESIA is regarded as confidential. Every aspect should be in the public realm and the ESIA will make sure that both stakeholders and the media are regularly kept up to date on progress and about the progress with and issues raised during the ESIA process. No hidden agendas will be allowed to develop or influence the process or the decision making during the assessment. This undertaking also ensures that stakeholders will have full disclosure of all information which will provide them with a basis for their own assessment and participation.

6.6.2.2 Accessibility

A statement that all information will be publicly available only carries weight if such information is practically accessible. To ensure accessibility to all stakeholder groups, suitable dissemination methodologies will be used to ensure that information is accessible to all. This will include local poster and exhibition presentations to the directly affected communities, the availability of hardcopy reports and translated summaries at public libraries serving the areas where stakeholders are located, postings on the web site, newspaper advertorials and direct e-mail messages to the entire stakeholder group.

6.6.2.3 Personal Contact

Personal contact of the manager of the process with the media normally also creates an environment where the media and other stakeholders have the freedom to make contact with the team to get news releases or to confirm facts about the assessment. The manager of the stakeholder participation process will arrange initial meetings with the local papers and agree on a methodology to release news about the assessment and to ensure that accurate information is published, especially when this may come from other sources which may have pre-determined agendas.

6.6.2.4 Pro-active communication

Poor communication from the ESIA team may lead to the media scouting for news at the wrong places and it is necessary for the team to keep the media informed all the time. In this way would they have adequate and accurate information available for publication and this will contribute to more effective dissemination of information and news about the assessment. Regular press releases will be utilised to ensure that the public are kept up-to date with progress on the assessment.

6.6.2.5 Effective Reporting

Effective reporting forms the basis of keeping all stakeholders and the general public informed about participation events and the results of these. To ensure effective reporting, the public participation manager will ensure that all minutes of stakeholder engagement events be made available to the public and stakeholders through the various methods as described under 6.1.5.2 (r).

6.7 PARTICIPATION IN MANAGEMENT AND MONITORING

6.7.1 Objectives

If the proposed project proceeds to implementation, it is important to ensure that stakeholders and especially the directly affected communities and their representatives be afforded a role in managing the implementation process and in monitoring the performance of the project during operation. The objective of this element is to ensure that, should the project proceed, suitable arrangements are made to ensure that these stakeholders have a means to ensure that the mitigation and enhancement measures are indeed implemented and that the project proponent, its contractors and its staff keep to the provisions of the ESIA as well as the EMP which will result from this assessment.

6.7.2 Methodology

6.7.2.1 Management and Monitoring committee

Towards the end of phase 2 of this assessment, the ESIA team will negotiate with stakeholders to set up a management and monitoring committee. This committee will mainly consist of members recruited from the directly affected communities, from expert groups and from other stakeholders that are best placed to serve on this committee. The role of the committee will simply be to guard over the effective implementation of all agreements reached through the course of the assessment and to ensure that the rights of stakeholders, especially the directed affected parties are indeed protected as agreed.

7 INITIAL STAKEHOLDER ENGAGEMENT PLAN AND PROGRAMME FOR PHASE 1

As stated before, various stakeholder groups have different concerns and different issues are likely to be of concern for each of the stakeholder groups. In addition to this, different methods are required to reach these various stakeholder groups and communicate with them effectively. This section provides a brief outline of the methods that will be used during phase on to reach the various stakeholder groups. As well as a programme of stakeholder engagement for the scoping phase of the assessment.

7.1 METHODOLOGIES TO ENSURE PARTICIPATION OF VARIOUS STAKEHOLDER GROUPS

7.1.1 Local communities

These communities reside in the project area and have particular requirements to ensure effective participation. Methods to be used to reach them include:

- Meetings with traditional leaders to prepare the communities for the assessment.
- Public meetings held at the main villages in the Epupa Constituency to which all community members are specifically invited.
- Exhibitions of visual material before public meetings or on a permanent basis.
- Messages over the language radio about issues and events.
- Face to face discussions, including surveys of opinions.
- Translation of key reports into the local vernacular and
- Dissemination of non technical reports and brochures to local libraries, schools and the traditional leaders in the area.

7.1.2 Community Based Organisations (CBOs)

A number of community based organisations such as conservancies, and development organisations exist in the project area. They require slightly different methods of engagement and the following methods will be used:

- Public meetings held at the main centres of Opuwo and Namibe.
- Public meetings held at the main villages in the Epupa Constituency.
- Press releases to high circulation newspapers in the area.
- Media releases over local radio stations.
- Posting of information on the project web site.
- Direct e-mails to those that have access to e-mail
- Dissemination of non technical reports and brochures to local libraries, schools and the traditional leaders in the area.

7.1.3 General Population of Namibia and Angola

Methods to notify and involve the general public will include:

- Press releases to high circulation newspapers.
- Media interviews on local radio stations.
- Posting of information on the project web site.
- Dissemination of reports and brochures to local libraries and schools in the area.

7.1.4 Local and National Non-Governmental Organisations

The same strategy as for local CBO's will be followed to engage local NGOs namely:

- Public meetings held at the main centres of Opuwo and Namibe.
- Public meetings held at the main villages in the Epupa Constituency.
- Press releases to high circulation newspapers in the area.
- Media releases over local radio stations.
- Posting of information on the project web site.
- Direct e-mails to those that have access to e-mail
- Dissemination of non technical reports and brochures to local libraries and schools in the area.

7.1.5 International Organisations, Academic and Research Institutions and Individual experts who contributed to the Epupa debate during the previous assessment.

The previous study has proved to attract considerable attention from international organisations (inclusive of non-governmental organisations), academic and research institutions and individual specialists. These are generally sophisticated and electronic means can be used to involve and communicate with them. Methods to be employed will be:

- Posting information on the project web-site and keeping it up to date.
- Direct e-mails to contact persons within such organisations, especially those that have been involved in or has been critical to the previous assessment

7.1.6 Project proponent, The Governments of Namibia and Angola and its various ministries and Project Partners

The ESIA team has a contractual responsibility to keep these stakeholder groups informed about all aspects of this project. The most direct link of the ESIA team will be to the PJTC through the Baines committee. Baines Committee members will largely form part of all consultation and participation events in phase 1 and will, on the basis of accurate minutes of these events, report to the PJTC, who will in turn report to the Ministry of Mines and Energy. The project partners, which for now are limited to the Techno Economic Consultant, will be kept up to date through regular liaison meetings between the two teams aimed at ensuring proper coordination of the environmental, social and technical work being undertaken at a given time. Line ministries will be separately recorded as stakeholders and will be involved through

- Public meetings held in Windhoek, Luanda, Namibe and Opuwo.
- Posting information on the project web-site and keeping it up to date.
- Direct e-mails to contact persons within such organisations, especially those that have been involved in or have been critical to the previous assessment.

7.2 PRELIMINARY PROGRAMME FOR PHASE 1 ENGAGEMENT OF STAKEHOLDERS.

The programme overleaf provides a preliminary schedule for stakeholder engagement during the first phase of the assessment. Extensive site visits by team members will take place in conjunction with the 14th to 21st April meetings and will continue until end April.

Table 2: Stakeholder Engagement Programme for Phase 1 of the Baines EIA

Activity	Dates	Description/attendants
Gaining Access to the Communities		
Briefing of RC/Angolan Local Authorities	6 - 28 February	Initial briefing of the regional/local authorities about the proposed project and requests for assistance/advice.
Project introduction to the directly affected communities	1 to 10 March	Launch of the EIA and introduction of the consultants by the GRN and GRA. To be attended by the GRN/GRA delegations, PJTC and the key consultant personnel
BID finalisation	1 – 25 March	Finalise all outstanding issues on the PD inclusive of visual aides to effectively disseminate information to the public and DAPs
PCD consultative meeting with Directly affected parties	25 – 27 March	Meeting with chiefs and headman of both countries to discuss and agree on the PCDP, disseminate information about the project, discuss their initial concerns and negotiate access for the entire team.
Scoping		
Public Scoping Meetings in Windhoek and Luanda	30 March to 3 April	Town hall meetings with all external stakeholders and directly affected reps if possible.
Local Scoping meetings at Opuwo and Namibe	14 to 18 April	Meetings with regional stakeholders in the regions affected by the proposed project.
Final Scoping Meeting with Directly Affected communities	14 to 21 April	Meetings with the Himba Groups from both Namibia and Angola on the perceived impacts of the proposed projects on them. Confirmation of scoping issues identified thus far.
Phase 1 Feedback		
Public feedback meetings with DAPs	Mid June	Feedback to DAP's about the findings of the scoping phase and sharing the TOR for the second phase of the EIA.
Town hall feedback meetings with I&APs	End June	Feedback to I&AP about the findings of the scoping phase and sharing the TOR for the second phase of the EIA.

8 COMPLAINTS AND GRIEVANCE PROCEDURE

While a grievance procedure is normally required during implementation and operation of a project to ensure compliance with environmental and social performance standards. For the first phase of this assessment, a complaints and grievance procedure is however, required to ensure compliance with this PCDP. Aggrieved stakeholders who feel that their opinions have not been duly considered, that they have not been afforded adequate opportunity to participate in the scoping process, or that the provisions or undertakings in the PCDP have not been followed, must have recourse to a body which can assess such a complaint and address it effectively.

The proponent and the ESIA team will set up a grievance committee which will deal with all grievances received from any stakeholder. The manager of the public participation process will design a grievance recording form. This form will be available on the ESIA web site and will also be brought under the attention of all stakeholders. Such forms will also be provided to the local leadership for use if and when necessary. The ESIA reviewer, being responsible to ensure that the quality of the assessment satisfies international standards will be the recipient of any grievances and will table these at a meeting of the grievance committee. This committee will consist of the ESIA reviewer who will be the chairperson, the manager of the public participation process in the ESIA team and a member of the Baines Committee. The committee will be obliged to meet weekly, if there are complaints and to deal with these swiftly and effectively. Stakeholders will always be given the benefit of the doubt when considering complaints and the ESIA team will institute all reasonable actions required to remedy the situation should the complaint be fair and valid.

Guidance for Public Participation in planning and Strategic Environmental Assessment (SEA)

Public participation is an important part of the decision making process. By asking the public the right questions at the right moment, the process can be sped up and the final plans will be better. But how do you know which questions you have to ask, at what time, and to whom? This guidance will give you tools that will help project teams to come to a fitting participation plan.

The Centre for Public Participation (CPP) is part of the Dutch government. They advise on and facilitate public participation in plans and projects of several ministries. The experience they have gained over the years were developed into a guideline on how to come to a good participation process. The CPP facilitates workshops for the entire project team, in which the main ingredients for the participation plan are defined. In Macedonia, such project teams will generally be composed by representatives from the responsible body, planners and SEA experts. The CPP guideline forms the basis to this guidance written for the Macedonian SEA project (see at the end of this fact sheet for details on this project). It reflects the kind of issues that are dealt within such workshops resulting in a public participation plan for a specific plan and related SEA.



Define ambition for public participation

Before you can write a good participation plan, it is important to define a clear ambition for public participation. The level of ambition depends on several factors such as size, budget and timeline of the plan and room for changes in the plan.

If the ambition for public participation in a plan is low, the design of the participation process should be sober and formal. However, if there is a high ambition, more and open questions can be asked during the process.

The following 8 steps and questions will help you define this ambition:

Table 1

- | |
|--|
| <p>A. <u>Define a clear outline of the plan:</u>
It is important that all the participants of the workshop have the same plan outline in mind. You should therefore answer the following questions:</p> <ul style="list-style-type: none"> • What is the aim of the plan? • What assignment did you get from the minister or mayor? <p>B. <u>What does the public expect of public participation?</u>
Nowadays people expect to have a bigger voice in decisions made by governments. What do you think the public expects for this specific plan?</p> <p>C. <u>What does the mayor or minister expect of public participation?</u>
The mayor and minister are political figures. They are chosen by the public and their position depends on public opinion. In what way does this influence their expectations on public participation, particularly for this plan? Also think about what you expect from the mayor or minister in the process.</p> <p>D. <u>What does the project team expect of public participation?</u>
Public participation can help a project team with their plans. Each plan is different, so it is important to discuss all the benefits and risks public participation can bring to this specific plan. What do you as the project team expect public participation to bring to the plan?</p> <p>E. <u>What restrictions keep you from fulfilling these expectations?</u>
Every plan has its restrictions. These restrictions can be found the following areas: quality of the plan (content, administrative, legal), financial boundaries, organizational (capacity, planning) and political boundaries. Name all the restrictions that have an influence on the way you will organize your participation.</p> <p>F. <u>What quick wins can you gain through public participation?</u>
The quick wins can be divided into four categories: quality of the plan, flow and timeline of the plan, smoother legal road and understanding, confidence and involvement. For each of these categories, answer the question: what public participation can bring to the plan?</p> <p>G. <u>Check the quick wins in relation to the restrictions</u>
Now that you have inventoried the quick wins for your plan, you will have to check which of these quick wins are manageable within the restrictions. For each of the quick wins that are not achievable ask yourselves the following questions:</p> <ul style="list-style-type: none"> • Do I want to achieve this quick win? • If so, what is needed to make this quick win achievable? <p>H. <u>Define your ambition for public participation</u>
The quick wins that the project team wants to achieve in this plan will be rephrased to the plan's ambition for public participation.</p> |
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Designing the public participation process

A good participation process is embedded in the decision making process. It is designed to achieve a better plan in a shorter period of time. Every type of participation you do should bring you one step closer to the final plan. Therefore the decision making process should be leading in the design of the participation plan.

Furthermore, asking the right people or organisations the right questions is crucial for a successful decision making process.



The following 11 steps/questions will help you write an appropriate participation plan:

1. Define the milestones in the decision making process

In order to embed the participation process in the overall decision making process, it is important to have a clear view of all milestones until the final plan/decision. Milestones can be, for instance, documents, start of studies, important (political) consults or decisions. Write each milestone on a separate flip over/poster, so you can answer questions 2 – 7 for each milestone. Then fill in the answers to all questions per milestone.

2. Is participation necessary or desirable for this milestone?

Decide if there is a legal requirement for public participation, or if there are other reasons to involve the public in any way. Briefly discuss what the added value of participation could be. Questions 3–5 are not relevant for the milestones without any public participation.

3. What do you want to know from the public?

Discuss what questions have to be asked to gain the information you need from the public. There are different types of questions. Some questions will help you test the quality and completeness of your plans/decisions. Other questions will enrich your plans with new, sometimes better, ideas and experiences. There are also questions that focus more on the process and that will help you optimise the process. To invite people to give argued responses, it is important to ask open questions (who, what, when, which, why).

4. Who do you want to ask these questions?

It is not necessary to involve the entire public in every participation moment. Sometimes input from specific groups is needed. To be able to know which organisations/people to involve, a good stakeholders analysis is needed. Decide which groups to ask which questions. Keep in mind that sometimes it is written in the regulation which groups you have to involve.

In general, the public can be divided into five groups:

- Organised stakeholders; people (residents associations), planet (environmental groups), profit (chamber of commerce)
- Unorganised stakeholders; people (civilians), planet (birdwatchers/hunters), profit (local shop)
- Experts; legal but also professors from universities
- Other governments; e.g. Sub-municipalities
- General public; anyone without a clear concern with the plan

5. How will we ask these questions to the relevant people/organisations?

Now that we know who to ask which questions, it is time to focus on the participation method. There are several methods for involving the public. Depending on the type of questions and the size and composition of the group a suitable participation method can be chosen. Keep in mind that sometimes it is written in the regulation in which way the public should be involved.



6. When is this milestone planned?

Two moments involving each milestone are important for the planning. Firstly, when is the milestone itself expected to be completed? Secondly, what is the planning for the public participation?

7. Who is responsible for the execution of the milestone and the public participation?

Last question for each milestone is to determine who (or which organisation) is responsible. Make sure the people whose names are written down are aware of the participation plan. It is even better if these people or organisations are involved in the public participation workshop.

8. Check on ambition

Do a quick check to make sure that the proposed public participation will help you achieve your ambition. Does the number of participation moments suit the ambition level? Will the questions help you achieve the ambitions? Are the right people/ organisations involved to achieve the ambitions?

9. Determine the role of the mayor or minister in the participation process

The person/people who will make the final decision can play an important role in the participation process. The participation results will help them make a decision that is supported by society. Therefore, it is in their interest that the participation process will be a success. By publicly supporting the participation process and stressing the importance of it, the public is more likely to get involved. The mayor (or mayor of a sub-municipality) could, for example, do the kick-off for a participation session. The public will see that their opinion is important to the final decision maker.

10. Secure public participation results in the decision making process

When you involve the public, it is very important to explain what you will do with the results. Engaging in public participation does not mean you will have to adopt all ideas put forward by the public. When ideas or suggestions are not usable, explain why this is the case. Be transparent about all considerations made in the decision making process.

11. Communication and participation

The public will need to know when you expect them to get involved. Decide what communication is needed for the participation process designed.



Writing the participation plan

The outcomes of the public participation workshop will be documented in a participation plan. Decide who will write the participation plan and make sure all steps mentioned above are included in the plan. When the participation plan is ready it should be sent to the decision makers. They are the people who will have to use the participation results, so it is important that they support the plan.

An example of a participation method

In the City of Rotterdam in the Netherlands, a new urban plan, including an SEA was made in which an extensive public participation campaign was undertaken. One of the participation methods used was an enquiry to the general public, where students assisted in its execution. In the box below, part of this questionnaire is demonstrated.

Table 2

Think along with Rotterdam Vooruit

Code:

A. Current accessibility to and from the Rotterdam region

Which mode of transport do you use the most?
 Car Bike Train Bus/metro/tram Other, nl

Would you please respond to the following statements? (with the mode of transport in mind)

	Very strongly agree	Strongly agree	Disagree	Strongly disagree	Very strongly disagree	Don't know
1 I find the Rotterdam region easily accessible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2 I find my residence easily accessible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3 I can travel safely in the region	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4 I can travel comfortably in the region	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5 I can count on reliable journey times on weekdays	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6 My journey time is reliable during the weekends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7 In choosing my mode of transport affordability is an important element	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8 I have several ways or routes to reach most destinations in the region	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9 I can reach most destinations in the region on every moment of time I desire	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

B. Starting points for devising solutions for a better accessibility of the region in the future

Name the three assumptions that are most important to you.

<input type="checkbox"/> Attractive environment to live in	<input type="checkbox"/> Cheap in modes of transport	One aspect that is important to me is missing, namely: <div style="border: 1px solid black; height: 50px; width: 100%;"></div>
<input type="checkbox"/> Be able to use the car wherever and whenever	<input type="checkbox"/> Short journey times	
<input type="checkbox"/> Nature conservation and landscape preservation	<input type="checkbox"/> Be able to use public transport wherever and whenever	
<input type="checkbox"/> Reliable journey times	<input type="checkbox"/> Peace and quiet	
<input type="checkbox"/> Comfortable transport	<input type="checkbox"/> Clean air	
<input type="checkbox"/> Economic growth	<input type="checkbox"/> Road safety	
<input type="checkbox"/> Growth of the harbour	<input type="checkbox"/> Adequate housing	
<input type="checkbox"/> Good interchanges between different modes of transport	<input type="checkbox"/> Employment	

Priorities in plans for the improvement of the accessibility of the region in the future. Put the following subjects in your order of importance.

• most important, 4 = least important

Environment Economy Safety Accessibility

Dealing with resistance against public participation

Do not ignore objections against public participation, deal with them. Below the most often heard arguments are summarized including their answers:

It's too early, we haven't yet got a proposal:

early public participation will still avoid rumors and build trust.

It will take too long and will cost too much:

cost of not involving people can be even higher, the long term benefits generally outweigh the longer decision making stage.

It will stir up opposition and activists will take over the process:

this will happen anyway, public participation can deal with issues before the opposition raises them.

We will only hear from the articulate:

focus on the 'silent minority'.

We will raise expectations we can't satisfy:

make very clear what already has been decided and on which issues public participation is desired. Promised action on decisions that cannot be changed will undermine the public's trust.

The local community won't understand the issues involved:

they will if you keep it simple. Locals have a better understanding of their own surroundings. Technicians talk theory, people talk practice.

Public participation in planning and SEA?

Usually a planning process has certain legal requirements regarding public participation. SEA regulation as well establishes public participation requirements. It is good practice to define in an early stage how both requirements can possibly be matched to make plan and SEA implementation more effective.

Dealing with results

It is necessary to create an overview of the outcomes of the participation process and subsequent stages of the plan. It is very important to communicate about these outcomes to all stakeholders involved. In large and sensitive plans, probably large amounts of comments will be submitted and it will take a lot of effort to process them appropriately.

It is also important to think about how to use the results of public participation in the drafting of the SEA and/or improvement of the plan or decision making.



More information

This guidance has been developed in the course of a co-operation project on Strategic Environmental Assessment between the Macedonian Ministry for Environmental protection and Physical Planning and the Netherlands Commission for Environmental Assessment (NCEA). The co-operation was funded by the Dutch Ministry for Infrastructure and Environment, and administered by Agentschap NL, the Agency for the Dutch Ministry of Economic Affairs, Agriculture and Innovation.

This document intends to provide guidance for public participation in planning and SEA. The guidance cannot be taken as legal advice nor should it substitute case specific advice by the relevant Macedonian authorities.

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Pictures from Workshop on developing a public participation plan, at City of Skopje municipality. Illustrations from the Netherlands are thanks to Dutch Ministry of Infrastructure and Environment.