

NOVEMBER-DECEMBER 2022 COMMUNITY AND  
STAKEHOLDERS CONSULTATION MINUTES ON THE PROPOSED  
EXPLORATION AND APPRAISAL WELLS IN PETROLEUM  
EXPLORATION LICENSE (PEL) NO. 73, KAVANGO SEDIMENTARY  
BASIN (KSB) IN KAVANGO WEST AND EAST REGIONS,  
NORTHERN NAMIBIA.



1. Purpose of the Document.....	3
2. Summary of Consultations.....	3
3. Consultation Methods and Key Issues Addressed.....	5
4. Minutes of Meetings .....	6
4.1. Naingopo Village .....	6
4.2. Gcaru Village .....	16
4.3. G3 – 1564, G5 – 1567, G6-1672 Farm Owners.....	25
4.4. G4- 1565 - Mrs. Suzette von Wieligh .....	30
4.5. D5-1372 – Mr. Karapo Viota .....	36
4.6. Shakambu Farmers Association .....	40
4.7. D6-1529 - Mr Erastus Naujoma .....	47
4.8. G2 – 1562 - Mr Gerard Kakonda .....	51
4.9. The 5 Traditional Authorities, Gciriku, Sambyu, Mbukushu, Ukwangali and Mbunza .....	54

# 1. Purpose of the Document

This document provides an overview of the consultation activities that have been undertaken during the months of November and December 2022. The document contains minutes of meeting for stakeholder engagements held for the proposed exploration and appraisal wells in Petroleum Exploration License (Pel) No.73, Kavango Sedimentary Basin (KSB) In Kavango West and East Regions, Northern Namibia.

The Stakeholder engagements were conducted in the order of priority 1-3 as indicated in Figure 1.1 covering the mapped stakeholders groups comprising the following:

- (i) Local communities and targeting local villages near to the proposed well locations.
- (ii) Land owners for all the well locations falling within the commercial farmland on communal land.
- (iii) Traditional Authorities.
- (iv) Associations and related bodies, and.
- (v) General public.

As part of the ongoing consultation process, additional activities were undertaken during the month of February 2023 focusing on the registered stakeholders, local communities including land owners and traditional authorities, and public awareness.

# 2. Summary of Consultations

No.	Date	Community/ farm owner	Well location/ farm number
1	23/11/2022	Gcaru Village	D3
2	24/11/2022	Naingopo Village	D4
3	25/11/2022	Mr. Johannes A. Balzar	G3 - 1564
4		Mr. Pitjo Magnus	G5 - 1567
5		Mr. Alex Kamenye	G6-1672
6	29/11/2022	Mr. & Mrs Suzette von Wieligh	G4- 1565
7	29/11/2022	Mr. Karapo Viota	D5-1372
8	07/12/2022	The Shakambu Farmers Association	Kavango river lodge
9	07/12/2022	Mr. Erastus Naujoma	D6-1529
10	08/12/2022	Mr. Gerard Kakonda	G2 - 1562
13	14/12/2022	Traditional Authorities	Kavango East and West Regions

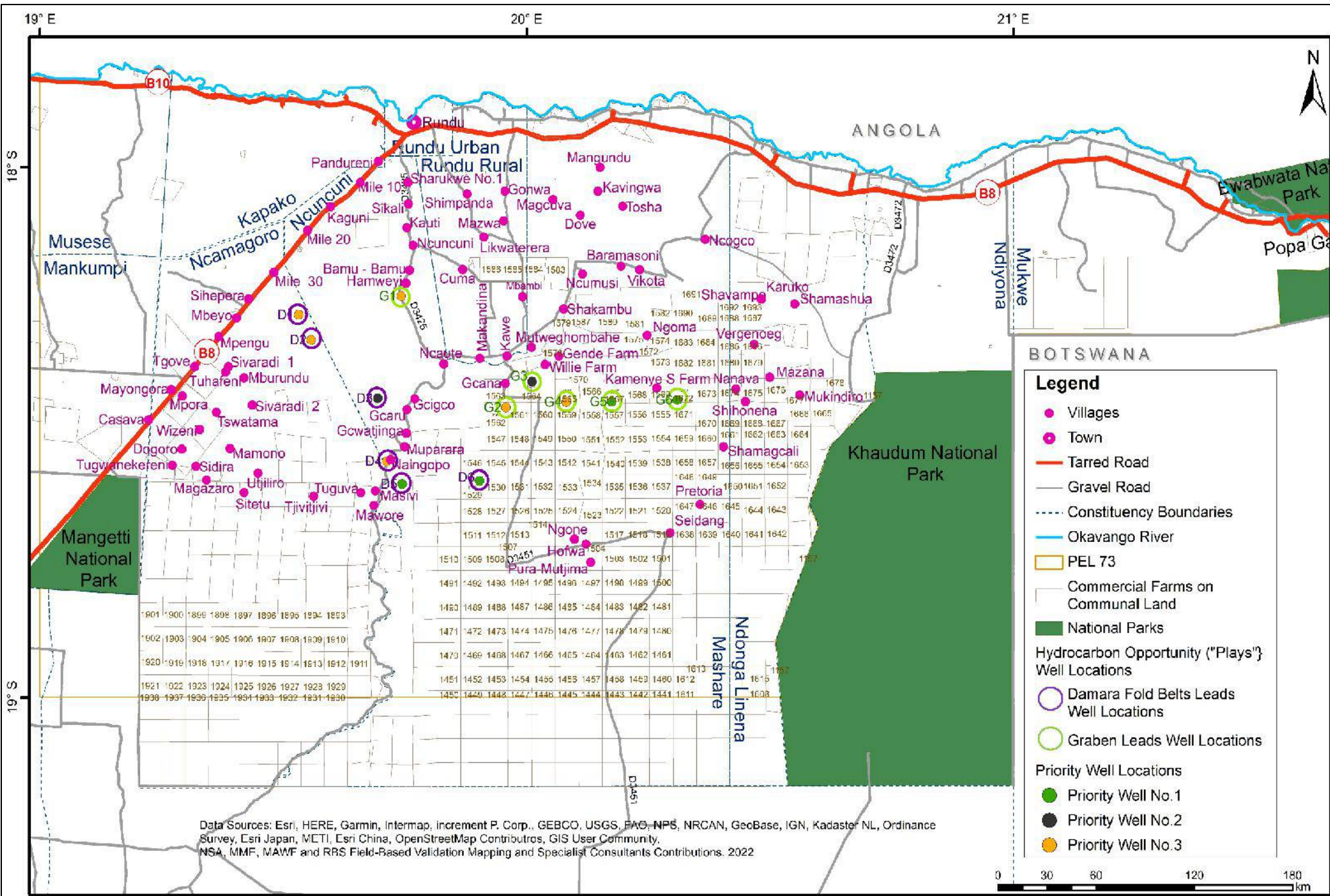


Figure 2.1: Proposed Well locations listed in Priorities

### 3. Consultation Methods and Key Issues Addressed

The following is the summary examples of the specific delivery methods used at the various consultation meetings / events undertaken for this project:

1. Regulatory stakeholder consultation process combined formal meeting with PowerPoint presentation and posters with field-based visits and verifications of the actual site conditions. Field-based presentation and discussions were held in the field.
2. Community meetings in Kavango West and East Regions delivered using posters, printed handouts and simplified physical illustrations and local landscape examples to explain key aspects of the proposed project activities. The sediment infilling in the Omatako Fossilised Ephemeral River or local ephemeral river was also used to explain how sedimentary basins are formed over millions of years. The local elders who attended the meetings were invited to attest to the fact that the current fossilised Omatako Ephemeral River and the local tributaries used to flow many years ago but now the channels have been filled-up by sediments, and today, the channels are being used for cultivation of crops and no longer flows into the Okavango River during the rainy season. In demonstrating the formation of a sedimentary basin, the folds on the mattress were filled up with sand and compacted to illustrate the formation of a sedimentary basin and associated petroleum system. Various plumbing pipes were used to demonstrate the casing and cementing process highly central to the engineering requirements of an oil and gas basin for well design and drilling operational standards.
3. Translations from English to local languages where required were provided by the local RBS team based in Rundu and employed from the local community.
4. All the community meetings were delivered in the local languages by the local RBS and REN teams based in Rundu and employed from the local community, and.
5. As part of the consultation activities, regulators, traditional authorities, local communities and interested key stakeholders may be given opportunities to see the drilling operations subject to the various site constraints and HSE requirements.

The following is a key issue addressed in the meetings:

- Extension of the licence, surface, subsurface rights.
- Background on oil formation and the sedimentary basin
- Overview of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic well drilling, 2D seismic surveying, the possible aerial gravity survey, and the proposed exploration and appraisal wells.
- Explanation of the difference between stratigraphic and exploration wells.
- The type of well testing to be undertaken be determined upon commercial discovery.
- Formal identification of the proposed well location and procedures involved in formalising the locations.
- Potential benefits and positive impact of oil and gas drilling
- Site preparation and rehabilitation
- Socio-economic baseline studies to be conducted in the villages by the RBS team.

## 4. Minutes of Meetings

### 4.1. Naingopo Village

<b>Date</b>	24 November 2022
<b>Time</b>	10:23 <i>The meeting commenced with a prayer delivered by volunteer from the village.</i>
<b>Venue</b>	Naingopo Village
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	<b>Foreman: Mr Siyere Johannes</b> Welcomed the RBS team and encouraged the community to listen to the information brought to them.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the communities on the proposed drilling of the exploration and appraisal well drilling.</li> <li>- To provide an update on the ongoing REN oil and gas exploration activities.</li> </ul>
<b>Attendance</b>	Attendance register (Appendix A) Images of meeting (Appendix B)
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has subsurface rights, however in order to exercise their rights they require access from surface rights owners, which is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey.             <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina, and Farm Wisdom wells</li> <li>o Explanation of the 12 proposed exploration and appraisal wells</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of interest in Naingopo Village to be formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> </ul>

	<ul style="list-style-type: none"> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, possible job opportunities although temporary and limited.</li> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul>
<p><b>Questions and Answers</b></p>	<p><b>1. <u>Can you provide us with a copy of the attendance registers and some pamphlets for reference?</u></b></p> <p>Yes, you can obtain a copy of the register and some pamphlets can be brought to the headman by the socioeconomic group as they come to survey the village.</p> <p><b>2. <u>Where exactly are you going to drill?</u></b></p> <p>The location is not very far from here, however, the proposed wells are 12 and are in different locations. The wells are ranked in terms of Priority 1-3, where more information is available. At the moment, Naingopo village is ranked priority 3 although subject to change as more seismic data is collected.</p> <p><b>3. <u>Will REN provide job opportunities?</u></b></p> <p>When activities are taking place in the village REN recruits people from the village. For example, the seismic survey lines, the community members were employed to prune the pathway for access. Similarly, this will happen during the site preparation and drilling. So yes, jobs will be provided however, please take note that jobs are temporary and very limited. The recruitment process is facilitated by the Headman, the village development council who then provides names to REN.</p> <p>The socio-economic study that will also be undertaken will further assist in providing baseline information so as to plan and understand some community impacts.</p> <p><b>4. <u>We agree that REN does come, however, the VDC does not to a proper selection, REN should come themselves. Sometimes REN doesn't inform the headman and other villages seem to benefit more than others.</u></b></p> <p>REN does not get involved in the recruitment process, names are provided by the headman/VDC, and REN selects randomly from those names. All other issues regarding recruitment should be addressed with REN directly as those are operational issues.</p> <p>Some villages have more lines, some are short, and some are longer, hence the number of people required may differ.</p>

	<p><b>5. <u>Are there no other benefits apart from the roads, or water?</u></b>  There might be other benefits. The socio-economic baseline survey that is underway will help identify other community needs, hence it is important for one to participate.</p> <p><b>6. <u>Is it REN and RBS who provides the benefits?</u></b>  REN is the company that holds the licence to explore oil and gas, and RBS is a consulting company hired by REN. Therefore, REN the exploration company will provide the potential benefits.</p> <p><b>7. <u>Is the road that will be created for everyone or just people working here?</u></b>  The road is for public use and can be used by everyone.</p> <p><b>8. <u>We see water benefits provided, what are the procedures for getting water?</u></b>  The water program is run through the rural water supply priority lists, however, where there is a dire need for water, requests to REN can be done through the councillors and headman for consideration.</p>
<b>Closing remarks</b>	<p>The headman thanked the RBS team for visiting and sharing the information and thanked the community for coming to attend the meeting. The foreman highlighted that the community member should be patient, the good will come just like in the bible. Thank you once again.</p>





# Risk – Based Solutions (RBS) CC

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49

## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 24-11-22

Time: 10:23 - 12:15

Location: Naingopo

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Kauma Daniel	Naingopo
2.	Namufinda Amdeus	Naingopo
3.	Nbenge Siwarabe	Naingopo
4.	Namufinda Laurence	Naingopo
5.	Nerombwa Karne	Naingopo
6.	Sinate Lukas	Naingopo
7.	Jonas Mufenda	Naingopo
8.	Yamanga Daube	Naingopo
9.	Mudumbi Alfons	Naingopo
10.	Parata John	Naingopo

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
11.	Kasha / Ces	Naingopo
12.	Hausiku Salomo	Naingopo
13.	Migante Lucas	Naingopo
14.	Karapo Fubeth	Naingopo
15.	Zamanber Mamawe	naingopo
16.	Simo Rancurus	Naingopo
17.	HAUSIKU	naingopo
18.	Mbonawa Gidobeth	Naingopo
19.	Joseph Kudumo	Naingopo
20.	Naugombe Ruide	Naingopo <sup>TP</sup> -Muparara
21.	Andreas Veronika	Naingopo <sup>TP</sup> -Muparara
22.	Hemutenga Cecilia	Muparara
23.	Kudumo Reinhilde	NCaute
24.	Mbatani Marcelle Kihuru	RBS
25.	mazamba Kasike	naingopo
26.	MUNGUNGA ANSELMO	naingopo
27.	SINDIMBA SABINA	NAINGOPO

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
28.	HAMUTENYA REGINA	NAINGOPO
29.	HAINGURA PETRA	NAINGOPO
30.	MURONGA PASKALINA	NAINGOPO
31.	KAMAUWE EMILIYE	NAINGOPO
32.	MATYAYI AMANDA	NAINGOPO
33.	KAPUMBURU CHORNELIA	NAINGOPO
34.	HAUSIK RUNGURU	NAINGOPO
35.	SIKRESETE FELISTAS	NAINGOPO
36.	MATHIDE HAINGURA	NAINGOPO
37.	KURWIZI SELMA	NAINGOPO
38.	KAMAUWE MANDAH ALBINYS	
39.	SYRARI JOHN HAIPUMOU	HEADMAN of Naingopo
40.	JOHANNA HAMUTENYA	NAINGOPO
41.	KARAMBA ELIZABETH N	NAINGOPO
42.	KARPO ROSSA S	NAINGOPO
43.	Mbwane Agnes K	NAINGOPO
44.	MASEKA MESTILDE M	NAINGOPO

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
45.	Kausi Kumbino	Naingopo
46.	Rosa Magbriena	Naingopo
47.	Sikulutu Magreth	Naingopo
48.	Hamutenya makena	Naingopo
49.	Kaurembi Werner K	Naingopo
50.	Karapo Florbet C	Naingopo
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52.	Syome Veronika	RBS
53.	Eger Simasiki	RBS
54.	ILTA ASSER	RBS
55.	Kupe Kambinda	RBS
56.	Lucas Vandalika	RBS
57.	Samsen Mulanga	RBS
58.	Emerto ASTHRA	RBS consultant
59.	Alois Gende	RBS consultant
60.	Isak Veijo	REN
61.	Menom Kanyang	R.B.S

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
62.	Napenda Timotheus	Neringgo
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**APPENDIX B - IMAGES OF MEETING**





## 4.2. Gcaru Village

<b>Date</b>	23 November 2022
<b>Time</b>	10:37 <i>The meeting commenced with a prayer delivered by volunteer from the village.</i>
<b>Venue</b>	Gcaru Village
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	<b>Headwoman: Priska Karapo</b>  She welcomed the RBS team to Naingopo village and indicated that they are waiting for the information brought by the team and that they are ready to listen. She further urged the community members to listen carefully to the presentations and ask questions later for better understanding.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the communities on the proposed drilling of exploration and appraisal well drilling.</li> <li>- To provide an update on the ongoing REN oil and gas exploration activities.</li> </ul>
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has subsurface rights, however in order to exercise their rights they require access from surface rights owners, this is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey. <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina, and Wisdom Farms.</li> <li>o Explanation of the 12 proposed exploration and appraisal wells.</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of interest in Gcaru Village to be formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> </ul>



	<ul style="list-style-type: none"> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, possible job opportunities although temporary and limited.</li> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul>
<p><b>Questions and Answers</b></p>	<p><b>1. <u>When REN was operating in Kawe village, they only recruited people from that village, who will REN recruit when that drilling or any activities take place at Gcaru?</u></b></p> <p>When activities are taking place in any village REN only recruits' people specifically from that village. For example, in the seismic survey lines, the community members within that village are employed to prune the pathway for access, ones the line proceeds to the next village, new people from that village are acquired. The same procedure will happen for drilling in the village. REN will recruit from the village to assist with for example site preparation, roads, drilling, etc. However, this type of casual work is only for the duration of the drilling activities. The recruitment process is facilitated by the Headman/headwoman, the village development council who then provides names to REN.</p> <p><b>2. <u>What will happen if the well location is in someone's crop field?</u></b></p> <p>REN recognises and respects the individual rights over land as per the Namibian Constitution and the Communal Land Reform Act 5 of 2002 and compensates as appropriate. If the location of interest in Gcaru village is formally identified to be in someone's crop field, thereafter the headwoman will be informed, the landowner identified, and negotiations will precede including the compensation before drilling at the location. Where possible, the location can be moved to an area with no crop fields and homesteads hence the reason for conducting this study.</p> <p><b>3. <u>Where exactly are you going to drill?</u></b></p> <p>There are 12 new proposed wells in different locations. The wells are ranked in terms of Priority 1-3, based on the availability of information. At the moment, Gcaru village is ranked priority 2 although subject to change as more seismic data is collected.</p> <p><b>4. <u>Will REN provide job opportunities to females too or only strictly Men?</u></b></p> <p>When activities are taking place in the village REN recruits people who are fit to work regardless of their gender.</p> <p><b>5. <u>The VDC does not conduct a proper selection and is biased, REN should come themselves to select. Sometimes REN does not inform the</u></b></p>

	<p><b><u>headman with regards to employment on time and other villages seem to benefit more than others.</u></b></p> <p>REN does not get involved in the recruitment, names are provided by the headman/VDC, and REN selects randomly from those names. All other issues regarding recruitment should be addressed with REN directly as those are operational issues.</p> <p>Why some villages seem to employ more people because they have more lines, some lines may be longer, and some lines pass through an existing access road, hence the number of people required differs.</p> <p><b><u>6. Can the people employed for pruning and clearing the seismic survey lines to be allowed to work even on commercial farmland?</u></b></p> <p>REN engages the owner and asks for permission to carry out the exploration within that farm, it is only the farm owner who has the jurisdiction on deciding who may work on their farm, whether their own farm workers or may decide to recruit community members. Similarly, where there is a scarcity of people in an area of interest then people could be carried over to other areas to continue with the work. The REN team will communicate future activities and plans to the communities once the permitting has been obtained for such activities.</p>
<b>Closing remarks</b>	<p>The headman thanked the RBS team for visiting and sharing the information and thanked the community for coming to attend the meeting. She further argued the community to be patient and not cause trouble so the company continues with the good work that will likely bring development to the village.</p>

40

**STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD**

*For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73*

*NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government*

Date: 23-11-2022

Time: 10:37 - 11:53

Location: Gcaru

2nd  
column

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Mukwe G Mantengo	Dcaru
2.	Karapa Prioka	Dcaru
3.	Munango Sebastian	Dcaru
4.	Hanutenya Engelherth	gcaru
5.	Kandera Ronny	Gcaru
6.	Haininga Sikerete	Gcaru
7.	Pinge Kalifeni	Gcaru
8.	Pratasia Hairungu	Gcaru
9.	Haingura Ambrosius	Gcigeo
10.	Muronga Rufinas	Gcaru

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
11.	Andreas marunga	Gcaru
12.	Siwombe Justinas	Gcaru
13.	Simbabura matias	Gcaru
14.	Muhembe matias	Gcaru
15.	Karafere daniel	Gcaru
16.	Mukoso Kuniberti	Gcaru
17.	Siwombe Dellar	Gcaru 2
18.	Mahengo Gngeldrauth	Gewatjunga
19.	Singombe Johana	Gewatjunga
20.	Karapo <del>Bernard</del> Btrnadithe	Gewatjunga
21.	Nangura Johana	Grama
22.	Sikindo Rosalia	Dcaru 2
23.	Kupembona Pauline	Dcaru 2
24.	Ndembere Eu-geenia	Dcaru
25.	Nyunda Anastasia	Dcaru
26.	Kavhu Tosofine	Gewatjunga
27.	Ndumba Sesia	Grama

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
28.	Kapeta Yovita	Gcaru 2
29.	Nepemba David	Gcaru 2
30.	Sikinda Paulus	Gcaru 2
31.	Kutasi Gelesius	Gcaru 2
32.	Kapiingi Furas	Gcaru 2
33.	MARVIN SANDICA	RBN
34.	Islanda Faustino	Gcaru 2 (RBS)
35.	Syomo Veronika	Gcaru 2 (RBS)
36.	Kulle Kambinda	Gcaru 2 (RBS)
37.	Mbicanu Marcelle Kahuire	Gcaru 2 (RBS)
38.	Clawide Siringu	Gcaru 2 (RBS)
39.	Lucas Vandalika	Gcaru 2 (RBS)
40.	Eager Simasiku	Gcaru 2 (RBS)
41.	Maggie Mufenda	RBS Consultant
42.	Ernasto Katungo	RBS Consultant
43.	EMERITA ASHIPALA	RBS CONSULTANT
44.	Mariam Kanyema	RBS

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
45.	Genae Alos	RBS
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**APPENDIX B - IMAGES OF MEETING**







#### 4.3. G3 – 1564, G5 – 1567, G6-1672 Farm Owners

<b>Date</b>	25 November 2022
<b>Time</b>	10:00 <i>The meeting commenced with a prayer delivered by Mrs Kahuure (RBS).</i>
<b>Venue</b>	Kavango River Lodge (Small Boardroom)
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	<b>Headwoman: Mr Allois Gende</b>  He welcomed the farmers and appreciated them for making time out of their busy schedules. He further outlined the importance of information sharing in today's era, especially on issues pertaining to our community.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the farm owners of the proposed drilling exploration and appraisal drilling.</li> <li>- To provide an update on the ongoing REN oil and gas exploration activities.</li> </ul>
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has subsurface rights, however in order to exercise their rights they require access from surface rights owners, which is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey. <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina, and Wisdom Farm wells.</li> <li>o Explanation of the 12 proposed exploration and appraisal wells, especially in their respective farms.</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of interest in farm to be formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> </ul>

	<ul style="list-style-type: none"> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, possible job opportunities although temporary and limited.</li> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul>
<p><b>Questions and Answers</b></p>	<p><b>1. <u>How long is the drilling process?</u></b>  Drilling takes approximately 2-3 months, however there might be other delays e.g., transportation of equipment etc. that can prolong the drilling.</p> <p><b>2. <u>Has there been places identified for drilling and have not been drilled for whatever reason?</u></b>  Yes, with ongoing seismic surveys and the possible airborne that is yet to take place, the places are subject to change as more information is collected.</p>
<p><b>Closing remarks</b></p>	<p>Thank you for sharing important information, we are ready to cooperate and work together for the greater benefit of our community.</p> <p>When coming to the farms, please get farm workers to help guide the team through the farm. Otherwise, REN has our full support.</p>

**STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD**
*For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73*
*NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government*

Date: 25 NOV 22

Time: 10:00

Location: Karango River Lodge – from G3, G5, G6

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Moggy Mufonda	RBS
2.	Alexius Kamenge Kativa	Pamgandjara Farm
3.	MPONDA MABEUS PITJO	TUPUWENI FARM
4.	Hannes Balzar	Wisdom Farm.
5.	Samson Mulunga	RBS
6.	Mookun Mepeller Kachund	RBS
7.	Lucas Vandalika	RBS
8.	ILTA ASSER	RBS
9.	Meriam Kawyama	RBS
10.	Ementa Ashipaa	RBS consultant

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
11.	<i>Alois Geman</i>	<i>RBS</i>
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**APPENDIX B - IMAGES OF MEETING**



#### 4.4. G4- 1565 - Mrs. Suzette von Wieligh

<b>Date</b>	29 November 2022
<b>Time</b>	10:00 <i>The meeting commenced with a prayer.</i>
<b>Venue</b>	Kavango River lodge boardroom
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	Mr. Alloise Gende welcomed Mr and Mrs von Wielligh to the meeting. He thanked them for their presence, He further indicated that there is an area of interest within their farm which is a priority location for drilling and that's why they were invited to that meeting to engage them so that they can be acquainted to REN's exploration activities.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the farm owners on the proposed drilling of the exploration and appraisal drilling.</li> <li>- To provide an update on the ongoing REN oil and gas exploration activities.</li> </ul>
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has subsurface rights, however in order to exercise their rights they require access from surface rights owners, which is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey. <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina ,and Wisdom Farm wells.</li> <li>o Explanation of the 12 proposed exploration and appraisal wells.</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of interest in farm to be formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> </ul>

	<ul style="list-style-type: none"> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, and possible job opportunities although temporary and limited.</li> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul>
<p><b>Questions and Answers</b></p>	<p><b>1. <u>Oil and gas exploration is likely to contaminate groundwater during the drilling process, can you kindly elaborate more on which methods that are in place to ensure water protection?</u></b></p> <p>The well-design is an engineered infrastructure approved by The Ministry of Mines and Energy and there are standards required to ensure the water is protected. When drilling, there is a conductor, casing, and cementing process that is placed till the bottom of the well. This engineered system is done to separate the groundwater from what’s happening inside the well. Additionally, regional and local water quality monitoring is undertaken prior to, during and after operations.</p> <p><b>2. <u>There is usually a movement (migration routes) of elephants alongside and within the farms, which is beautiful as it provides good scenery to the farm owners, what is likely to happen when these activities begin, what is the possibility of these activities disrupting the elephant’s movements?</u></b></p> <p>There is an ongoing project to assist the Ministry of Environment to tag elephants’ movement in the area. These include details of traditional migration patterns for wildlife, and which season they tend to migrate throughout the year. REN is committed to protecting Africa’s diverse wildlife.</p> <p><b>3. <u>We have heard and read so many negative critics and reviews concerning the oil and gas exploration in Kavango regions and that of disrupting the Kavango delta, how true are these reviews?</u></b></p> <p>Indeed, there has been a lot said about the REN activities, mostly by international people who might have never set foot in the regions themselves. Most of the allegations are false and therefore the company tries and do regular consultations to share the correct information. REN’s operations are very far from the Kavango delta more than 200 km away from the area of interest.</p> <p><b>4. <u>What is the timeframe for these operations and activities to begin?</u></b></p> <p>The timeframe is not yet set but the moment everything is finalised the team will contact, notify and engage the farmers again. The timing is dependent on various factors including permits, ongoing data collection etc, and therefore cannot be specifically indicated.</p>

	<p><b>5. <u>Is REN using the fracking method which is likely to cause tremors which might destroy the infrastructures and vegetation?</u></b></p> <p>No fracking activities take place in the oil exploration phase and REN has no approval for fracking at all.</p> <p><b>6. <u>During the seismic survey, REN accessed the farm with their thumper, and it damaged the farm's fence and failed to fix it after they were done, why did that happen?</u></b></p> <ul style="list-style-type: none"> <li>- Sincere apologies for that, the concern is taken into consideration and a follow-up will be done with the team that fixes the fence to rectify that error. REN will rectify that with the (Community Liaison Officers) CLO going forward</li> </ul>
<p><b>Closing remarks/Comments</b></p>	<p>Mrs von Wielligh thanked REN for the constructed road that goes to the new drilling platform, she indicated that they are very thankful for that as it takes just 1 hour from Rundu to reach their farm whereas it took them 4 hours then due to the heavy sands. She further highlighted that REN is welcome to do their operations within their farm if the farm owners are well informed of these activities on time.</p> <p>Tate Gende Alloise thanked them for availing the time to attend the meeting and their presence is much appreciated, should they have further questions/concerns regarding the activities on their farm, they should not hesitate to request a meeting or contact the team. The team hopes for a good relationship moving forward.</p>





# Risk – Based Solutions (RBS) CC

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Global Office / URL: [www.rbs.com.na](http://www.rbs.com.na)

## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 29 November 2020

Time: 10:04 - 10:59

Location: Karango River bridge - Farm G4

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Ermentia Ashipata	RBS consultant
2.	ILTA ABER	RBS
3.	Maggie Mufonda	RBS Consultant
4.	Meriom Kauyama	R.B.S
5.	Kylie Kambinda	RBS
6.	Suzette van Wielligh	Farm Erago
7.	Hannes van Wulffels	Erango
8.	Alois Genale	RBS
9.	Haberch Hausim	REN
10.	Meriom Kauyama	R.B.S

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
11.	Katungo Ernesto	RBS
12.	Samson Mulongo	RBS
13.	MARVIN SANZILA	RBS
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**APPENDIX B – IMAGES OF THE MEETING**



#### 4.5. D5-1372 – Mr. Karapo Viota

<b>Date</b>	29 November 2022
<b>Time</b>	11:00 <i>The meeting commenced with a prayer.</i>
<b>Venue</b>	Kavango River lodge boardroom
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	Mr Alloise Gende welcomed Mr Karapo Viota (1372 farm owner) to the meeting. He thanked me for his presence, He further indicated that there is an area of interest within his farm which is a priority location for drilling and that's why he was invited to that meeting to engage him so that he can be acquainted with REN's exploration activities.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the farm owners on the proposed drilling the exploration and appraisal drilling.</li> <li>- To provide an update on the ongoing REN oil and gas exploration activities.</li> </ul>
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has subsurface rights, however in order to exercise their rights they require access from surface rights owners, this is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey. <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina, and Farm Wisdom.</li> <li>o Explanation of the 12 proposed exploration and appraisal wells</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of interest in farm to be formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, possible job opportunities although temporary and limited.</li> </ul>

	<ul style="list-style-type: none"> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul>
<p><b>Questions and Answers</b></p>	<p>Comment: He stated that all the information is clear to him and that he had not much of concern since the government already approved the exploration activities. He further indicated that REN and RBS are welcome to do their operations as long as he is always informed.</p> <p><b>1. <u>What will happen if the oil and gas are discovered on his farm, will they take the farm?</u></b></p> <p>No, the farm will not be taken. Should there be a discovery many various studies will be carried out to see how the structure can be accessed and negotiations will proceed. There will be no relocation of people.</p>
<p><b>Closing remarks</b></p>	<p>Tate Gende Alloise thanked Mr. Karapo Viota for availing time to attend the meeting his presence is much appreciated and should he have further questions/concerns regarding the activities partaking on his farm, he shouldn't hesitate to request a meeting or contact the team.</p>

**STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD**
*For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73*
*NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government*

 Date: 29 November 22

 Time: ~~10:03~~ 11:16 – 12:10

 Location: Kovango River Lodge - Farm DS

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Ermenta Kshipala	RBS consultant
2.	Habertu HAUSIKU	CEO REN
3.	Maggie Mufonda	RBS consultant
4.	ILTA ASSER	RBS CONSULTANT
5.	Kulle Kambinda	RBS
6.	Bansan Malongo	RBS
7.	MARWIN APRILIA	REN
8.	Alois Grande	RBS
9.	VOIJO KARAPO	FARM DS
10.		

**APPENDIX B – IMAGES OF THE MEETING**



#### 4.6. Shakambu Farmers Association

<b>Date</b>	07 December 2022
<b>Time</b>	10:00 <i>The meeting commenced with a prayer.</i>
<b>Venue</b>	Kavango River lodge boardroom
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	Mr. Aloise Gende welcomed Shakambu farmers Association to the meeting. He thanked them for their presence, He further indicated that there are areas of interest within their farms which are priority locations for drilling and new seismic lines extension and that's why they were invited to that meeting to engage the farmers' association so that they can be acquainted and be updated on the upcoming REN's exploration activities.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the farmers of the proposed exploration and appraisal drilling.</li> <li>- To provide an update on the ongoing REN oil and gas exploration activities and seismic replacement lines.</li> </ul>
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- -REN has subsurface rights, however in order to exercise their rights they require access from surface rights owners, this is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey.</li> <li>- Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina, and wisdom wells</li> <li>- Explanation of the 12 proposed exploration and appraisal wells</li> <li>- Explanation of the difference between stratigraphic and exploration wells. <ul style="list-style-type: none"> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of interest in the respective farms to be formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, and possible job opportunities although temporary and limited.</li> </ul>



	<ul style="list-style-type: none"> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul> <p><i>Haingura Martin -REN community Liaison officer highlighted the following:</i></p> <ul style="list-style-type: none"> <li>- Explained that the seismic survey for phase two extension has started and that the access roads have been identified and cleared</li> <li>- Explanation of land access compensation and consent agreements.</li> <li>- Highlighted that some lines have been completed and all those casual workers for panga activities will be compensated before Christmas.</li> <li>- There are some locations which have been confirmed to be prospective drilling locations, but it seems more information is needed to validate, hence the new extension for seismic lines in the farms to start in January.</li> <li>- Scouting was done to identify in whose farm these seismic lines are passing and who the farm owners are. Currently the owners are being engaged of the upcoming activities.</li> <li>- Explained that as the exploration continues, the farmers' association will always be engaged.</li> </ul>
<p><b>Questions and Answers</b></p>	<ol style="list-style-type: none"> <li>1. <b><u>On the seismic lines map that was handed out, would you kindly explain which lines are already completed for different phases and which ones are still pending?</u></b>  As you can see that the lines have different colours: The ones in blue colour are completely explored, the ones in pink colour are currently being explored and the yellow ones are the new proposed replacement seismic lines to start in January.</li> <li>2. <b><u>What do these numbers next to seismic lines indicate?</u></b>  These are the names of the seismic extension lines for identification, they are named according to which year they are initiated either 2021 or 2022</li> <li>3. <b><u>Did you manage to compensate for land access for both previous seismic surveys?</u></b>  Yes, most of the farmers were compensated for access fees and there's proof for that in REN's database, except for one farm which had conflicts where one farmer signed the consent form and the other had a leasehold, so there was unresolved conflict between these two parties, therefore we left the conflict to be resolved by the traditional authorities.</li> <li>4. <b><u>How big is the area needed for the drilling of these new proposed priority wells and what are regulatory measures within this exploration area considering that community members and govt were denied access in the past?</u></b></li> </ol>

	<p>The land needed is 3 hectares (250x150), the exploration area is protected and fenced off, and access is prohibited due safety reasons and heavy machinery movement, if the farmers are interested in visiting the rig sites it can be organised upon receiving official request.</p> <p><b><u>Way forward</u></b></p> <ul style="list-style-type: none"> <li>- REN should always inform the farm owner if there are any activities affecting the farmers as this will continue to strengthen the relationship, and when accessing the farms REN’s staff should provide some form of identification for safety and security reasons.</li> <li>- The REN’s subcontractors should have good attitudes and communication to avoid conflicts with farm owners considering the previous situations that led to denial of land access by the farmers.</li> <li>- The promises made by REN should be fulfilled with regard to ESG commitments such provision of water holes.</li> </ul>
<p><b>Closing remarks</b></p>	<p>Tate Gende Alloise thanked them for availing the time to attend the meeting and their presence is much appreciated should they have further questions/concerns regarding the activities partaking in their farms, they shouldn’t hesitate to request a meeting or contact the team. The team hopes for good communication and a good, smooth working relationship between the farmers and the company.</p>



# Risk – Based Solutions (RBS) CC

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## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 7 DECEMBER 2022

Time: 10:00 End:

Location: Karagao River lodge - Shabambu Farmers Association

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Emerita Ashipala	RBS Consultant
2.	Meriam Kalyama	RBS
3.	MARSHIO HAROGUEWA	REN
4.	ANDREAS JIKERWA	UKONGETA FARM NO 1518
5.	Rev. M M DOROCKTA	NGAYIPWA 1536
6.	Veronica G. Thilusho	Shabambu F.(Hasha Kehe)
7.	Alois Grande	RBS
8.	LUCAS Mbanqu	SFA
9.	Maggy Mufenda	RBS Consultant
10.	M. Makenya	MARAGHO FARM

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
11.	Isaac T. Kandingu	Kisatoko or Mulageni 1539
12.	JAKOB M FORTUNATO	Farmer
13.	Gerson Baptista	REN
14.	Samson Mulanga	RBS
15.	Murenga Johannes	farmer
16.	Makayi T. LUKAS	Farmer
17.	Kayimbi Virginia M	Farmer
18.	Robert Matemba	SFA Secretary
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**APPENDIX B – IMAGES OF THE MEETING**





#### 4.7. D6-1529 - Mr Erastus Naujoma

<b>Date</b>	07 December 2022
<b>Time</b>	12:00 <i>The meeting commenced with a prayer.</i>
<b>Venue</b>	Kavango River lodge conference room
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	Mr Alloise Gende welcomed Mr Erastus Nuujoma (D6-1529 – farm owner) to the meeting. He thanked for him for his presence, He further indicated that there is area of interest within his farm which is a priority location for the new exploration and appraisal well for drilling and hence, the invitation, so that he can also be acquainted with REN’s oil and gas exploration activities.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the farm owner of proposed drilling of exploration and appraisal wells</li> <li>- To Provide an update on the ongoing REN oil and gas exploration activities.</li> </ul>
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has the subsurface rights, however in order to exercise their rights they require access from surface rights owners, this is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey. <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina, and Wisdom Farm.</li> <li>o Explanation of the 12 proposed exploration and appraisal wells</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of the key local area of interest to be formally identified identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, and possible job opportunities although temporary and limited.</li> </ul>

	<ul style="list-style-type: none"> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul> <p><i>Hainqura Martin CLO highlighted the following</i></p> <ul style="list-style-type: none"> <li>- Seismic lines that will pass through his farm to obtain more data to understand the structures underneath near that D6 point</li> <li>- Explained the process of signing the consent forms for access, compensation</li> <li>- How the seismic line will be designated, he further highlighted that there might be a need to put a fly camp in his farm during the seismic operations and he will be compensated.</li> </ul>
<p><b>Questions and Answers</b></p>	<p><b>1. <u>With regards to the construction of new roads which you mentioned in the presentation, does that mean the gravel road will lead directly to my farm?</u></b></p> <p>Yes, the drilling equipment used will require to drive on properly the upgrading of gravel roads which can also be used by the public, this is similar to all the completed drilling sites.</p> <p><b>Comment:</b> Mr Erastus requested the REN team to work together and fulfil their promises with reference to ongoing seismic operations, this was due the fence being lowered for the thumper to pass through but afterward the farm fence was not fixed properly. He highlighted that the presentation was very clear, and he understood, and he indicated that all the REN’s operations are welcome as long as he is well informed beforehand.</p>
<p><b>Closing remarks</b></p>	<p>Tate Gende Alloise thanked him for availing the time to attend the meeting and his presence is much appreciated and should he have further question/concerns regarding the activities partaking in his farm, he shouldn’t hesitate to request for another meeting.</p>





**STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD**

*For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73*

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 7/12/2022

Time: 12:00

Location: Kovanjo River Lodge - D6 - Mr Erastus Nujuma

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Alois Gendau	RBS
2.	Ernesto Kapongo	RBS
3.	Samson Mulongo	RBS
4.	Marthin Hanguu	REN
5.	Gerson Baptista	REN
6.	Nanyoma Erastus	Sambyu (D6)
7.		
8.		
9.		
10.		

**APPENDIX B – IMAGES OF THE MEETING**



#### 4.8. G2 – 1562 - Mr Gerard Kakonda

<b>Date</b>	08 December 2022
<b>Time</b>	11H00
<b>Venue</b>	Risk-Based Solutions (RBS) Offices in Windhoek
<b>Attendance</b>	Mr Gerard Kakonda ( <a href="mailto:gkakonda@gmail.com">gkakonda@gmail.com</a> ), Owner of Farm No. 1562 - G2 Well Location, Dr Sindila Mwiya (EAP) RBS ( <a href="mailto:frontdesk@rbs.com.na">frontdesk@rbs.com.na</a> ), Mr. Shafimana Shimakeleni ( <a href="mailto:shafimana@snclawgroup.com">shafimana@snclawgroup.com</a> ), Senior Associate from SNC Lawyers and Business Advisors handling the Land Consents on behalf of REN, and Mr. Robert Mwanachilenga ( <a href="mailto:mwanachilenga@ReconAfrica.com">mwanachilenga@ReconAfrica.com</a> ) (General Manager, REN).
<b>Welcoming Remarks</b>	Dr Sindila Mwiya welcomed the REN team and Mr Gerard Kakonda, Owner of Farm No. 1562 - G2 Well Location, and thanked him for finding time to meet with the team. Dr Sindila then introduced the REN Team and handed over to Mr Robert Mwanachilenga who provided few welcoming remarks and also thanked Mr Gerard Kakonda for the great efforts of coming to meet with the team. Mr Gerard Kakonda was also given the opportunity to introduce himself before moving on the presentation of the day that was made by Dr Sindila.
<b>Purpose of the Meeting</b>	Dr Sindila briefly explained the purpose of the meeting as follows: <ul style="list-style-type: none"> <li>- To inform the farm owner of proposed drilling of exploration and appraisal wells, obtain support and verbal consent to access the land for ongoing studies and assure the land owner on REN commitments to obtain a written consent \ agreement before any drilling activities is implemented if the final decision to drill the G5 well location is made.</li> <li>- To Provide an update on the ongoing REN oil and gas exploration activities in the area.</li> <li>- To listen to the land owner in terms of concern and issues that need to be addressed and provide answers and assurances.</li> </ul>
<b>Presentation</b>	<b>Mr Robert Mwanachilenga gave a brief overview on REN operations in Namibia and why there are some interests in undertaking exploration activities on Farm No. 1562. This was followed by a brief Presentation overview that was given by Dr Sindila covering the following general areas:</b> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has the subsurface rights, however in order to exercise their rights they require access from surface rights owners, this is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey. <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, Makandina, and Wisdom Farm.</li> <li>o Explanation of the 12 proposed exploration and appraisal wells</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional</li> </ul> </li> </ul>

	<p>mapping whereas, exploration wells are drilled for the purpose of locating commercial hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled leading to the production phase if the discovery is commercial.</p> <ul style="list-style-type: none"> <li>○ The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> <ul style="list-style-type: none"> <li>- Location of the key local area of interest to be formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, and possible job opportunities although temporary and limited.</li> <li>- Negative impacts including the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul>
<p><b>Questions and Answers</b></p>	<p>Mr Gerard Kakonda provided the team with a clear overview of his farm and operations as well as the current short and long-term development plans for his farm. He explained how he has been working so hard in trying to develop his farming unit by providing infrastructure such as fencing (which is very expensive), access, water points and housing. Mr Gerard Kakonda also briefly shared his experiences with REN Team with respect to the seismic survey that was conducted in the area. Although he not permanently based on the farm, his farm manager has indicated to him that all seismic related activities were properly and no issue have been reported to him. He also indicated that he fully supports the proposed project and the development coming in the area. He however had the following key clarifications/ question:</p> <ol style="list-style-type: none"> <li>1. <b>Where exactly is the drilling location on his farm and where will the access come from?</b> Dr Sindila shared the detailed map of his farm and indicated the location of the proposed G5 well and access which will utilise the existing farm boundary and extend the new road from Farm Wisdom towards his farm. Dr Sindila indicated that a new short (about 140m long) access road from the existing upgraded access road will need to be created within his farm. The drilling equipment to be used are very heavy and will need to drive on a properly compacted gravel roads which can also be used by the public, this is similar to all the completed drilling sites.</li> <li>2. <b>If you find out that the location falls in the area where I want to build my house, can the drilling location be changed?</b> The project team confirmed that yes, the well locations may be moved around within the local area.</li> <li>3. <b>When is the drilling likely to start?</b> The Project team indicated that the actual start date is not fixed and is subject to permitting, new data to be collected and priority requirements. Although the proposed G5 exploration and appraisal well site is one of key priority wells, there is still no guarantee</li> </ol>

	<p>at this stage that this well will definitely be drilled. However, once the final decision to drill this well has been made based on the results of some of the new data that is currently being collected, the project team will provide updates on the development to all the land owners.</p> <p>4. <b>What are the local community benefits that this project will bring to the area?</b> The project team provided a summary of the key benefits that included the following:</p> <ol style="list-style-type: none"> <li>a. Access to water- REN is current supporting rural water supply programme and a number of community boreholes have been drilled in both Kavango East and West Regions.</li> <li>b. REN will drill a community water borehole at each of the locations where an oil and gas well will be drilled.</li> <li>c. REN has improved some of the access roads in local area and a good example is new road leading to Farm Wisdom.</li> <li>d. REN has provided short-term employment opportunities to the rural local communities both during seismic survey and drilling operations.</li> <li>e. And the proposed drilling operations, if successful will positively change the economic landscapes of not only the local area but the entire region and country.</li> </ol> <p>5. <b>Apart from the fact that I might be moved from my land if the project is successful, what other negative impacts are there on environment and water etc?</b> During the drilling, REN will rent the surface user rights to use the portion of land (3Ha) for drilling operations. If there is a commercial discovery, REN will not remove anybody from their land and the area that might be used for producing the oil and gas, in an event of a commercial discovery will be around (30m<sup>2</sup>) which is far less than the 3Ha used for drilling operations. Oil or gas will be pumped from a producing well and transported to a central area which is likely to be not in your farm. If additional land is required from your farm, a new agreement will be negotiated. If the proposed exploration well is unsuccessful, the site will be rehabilitated and restored in consultation with the land owner. Other impact such as noise, dust, Health, Safety and Environment (HSE) and risk to groundwater pollutions are all going to be addressed in the Environmental Management Plan (EMP) Report that will be prepared following the completion of the Environmental Impact Assessment (EIA) studies. Furthermore, REN will be undertaking monitoring activities of all the key components of the EMP.</p>
<p><b>Closing remarks</b></p>	<p>Mr Gerard Kakonda thanked the Project team for choosing to invite him for a meeting and for sharing the information. He furthermore requested for the presentation and to also be updated with the progress. The Project Team also thanked Mr Gerard Kakonda for availing the time to attend the meeting. Should he have further question /concerns regarding the proposed activities, he can directly contact the team and the contact details were provided. Dr Sindila Mwiya also promised to email to him the presentation as well as any other relevant materials.</p>

#### 4.9. Traditional Authorities (Gciriku, Sambyu, Mbukushu, Ukwangali & Mbunza)

<b>Date</b>	14 December 2022
<b>Time</b>	12:15
<b>Venue</b>	Kavango East Regional Council Conference Room
<b>Attendance</b>	Attendance register (Appendix A) Images of the meeting (Appendix B)
<b>Welcoming Remarks</b>	Mr. Aloise Gende welcomed the Traditional Authority to the meeting. He thanked them for their presence, He further indicated that there are areas of interest within farmlands and different conservancies within the 2 Kavango regions which are priority locations for drilling and new seismic lines extension and that's why they were invited to that meeting to engage them so that they can be acquainted and be updated on the upcoming and ongoing REN's exploration activities.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>- To inform the traditional leaders of the proposed exploration and appraisal wells.</li> <li>- To provide an update on the ongoing REN oil and gas exploration activities including the new proposed seismic lines.</li> </ul>
<b>Presentation</b>	<p><b>Presentation overview included:</b></p> <ul style="list-style-type: none"> <li>- A brief overview of the extension and location of the license PEL 73</li> <li>- Background on oil formation and the sedimentary basin</li> <li>- Explained the different types of rights i.e., surface rights and subsurface rights.</li> <li>- REN has subsurface rights, however in order to exercise their rights they require access from surface rights owners, this is why engagements are necessary.</li> <li>- Explanation of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic drilling, seismic surveying, and possible aerial gravity survey. <ul style="list-style-type: none"> <li>o Highlighted the stratigraphic drilling operations at Kawe, Mbambi, and Makandina wells and Wisdom Farm.</li> <li>o Explanation of the 12 proposed exploration and appraisal wells.</li> <li>o Explanation of the difference between stratigraphic and exploration wells.</li> <li>o Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures as part of regional mapping whereas, exploration wells are drilled for the purpose of locating hydrocarbon resources. Upon discovery, appraisal/ test wells are drilled.</li> <li>o The type of well testing to be undertaken will be determined upon commercial discovery.</li> </ul> </li> <li>- Location of interest in the formally identified, thereafter inform the headwoman, landowner identification and confirmation and negotiations will precede before drilling at the location.</li> </ul>

	<ul style="list-style-type: none"> <li>- Indicated some of the potential benefits including the upgrading of gravel roads, community water boreholes, and possible job opportunities although temporary and limited.</li> <li>- Negative impacts include the clearing of land during site preparation,</li> <li>- Sites are rehabilitated when operations cease for activities to be used by community members. This can include nurseries, green schemes, etc.</li> <li>- Timeframe for drilling is dependent on various factors including permits, ongoing data collection, etc, and therefore cannot be specifically indicated.</li> <li>- Socio-economic studies will be conducted in the villages by the RBS team, this will help understand the baseline environment and identify how the communities will best benefit from these ongoing activities.</li> </ul> <p><i>Haingura Martin -REN community Liaison officer highlighted the following:</i></p> <ul style="list-style-type: none"> <li>- Explained that the seismic survey for phase two extension has started and that the access roads have been identified and cleared</li> <li>- Explanation of land access compensation and consent agreements.</li> <li>- Highlighted that some lines have been completed and all those casual workers for panga activities will be compensated in due time.</li> <li>- There are some locations that have been confirmed to be prospective drilling locations, but it seems more information is needed to validate, hence the new extension for seismic lines in the farms to start later in January.</li> <li>- Scouting was done to identify in whose farm these seismic lines are passing and who the farm owners are. The owners were engaged in the upcoming activities on their farms.</li> </ul>
<p><b>Questions and Answers</b></p>	<p><b><u>1. Did you manage to compensate for land access for both previous seismic surveys?</u></b></p> <p>Yes, most of the farm landowners were compensated for access fees and there's proof for that in REN's database, except for the ongoing seismic survey.</p> <p><b><u>2. How big is the area needed for the exploration and appraisal wells and what are regulatory measures within this exploration area?</u></b></p> <p>The land needed is 3 hectares (250x150). The well location site is fenced off, and access is prohibited due to safety reasons and heavy machinery movement.</p> <p><b><u>3. How does REN carry out the distribution of the water boreholes project and which channel and methods do they follow in helping these villages?</u></b></p> <p>Besides the drilling and seismic survey REN has other projects for drilling water boreholes for the villages with water scarcity through Rundu rural water supply, so far, they have drilled about 26 community water boreholes in different locations. Once they have set up the water tanks and solar panels, the water boreholes are given to the councillor within that constituency to officially hand it to the community.</p>

	<p><b><i>Comment from TAs</i></b>  REN should carefully revise this method of distribution where they use councilors to suggest which villages require water, this is because some councillors are corrupt and likely to use that opportunity to buy votes for their next elections. The traditional authorities should also be involved so that they can fairly help identify villages with the most water scarcity.</p>
<p><b>Closing remarks</b></p>	<p>Mr. Gende Alloise thanked the Traditional Authorities for availing the time to listen to the presentation. Should they have further questions/concerns regarding the activities partaking in the exploration area they should not hesitate to request a meeting or contact the team. Explained that as the exploration continues, the traditional authorities will be always engaged and updated. The team hopes for a good working relationship.</p>





# Risk – Based Solutions (RBS) CC

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WINDHOEK, NAMIBIA

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Global Office / URL: [www.rbs.com.na](http://www.rbs.com.na)

13

## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 14 December 2022

Time: 12 4 30

Location: Auditorium - TRADITIONAL AUTHORITIES

No.	NAME AND SURNAME	ORGANISATION / VILLAGE
1.	Mukosho E N	Hambukushu TA
2.	Famu Erwin M.M	Hambukushu TA
3.	Muhembo Sebastian	Hambukushu TA
4.	Maudi Elisabeth Sh.	Gciriku TA
5.	muranda susana S	Gciriku TA
6.	Ngandu HIRONIMUS	Gciriku TA
7.	Uširo EDMUND	MBUNZA TA
8.	Mpani Johannes	Mbunza TA
9.	MUKOYA DAGOBERT	MUBUNZA TA
10.	VINCENT K MBEREMA	Ukwangale TA

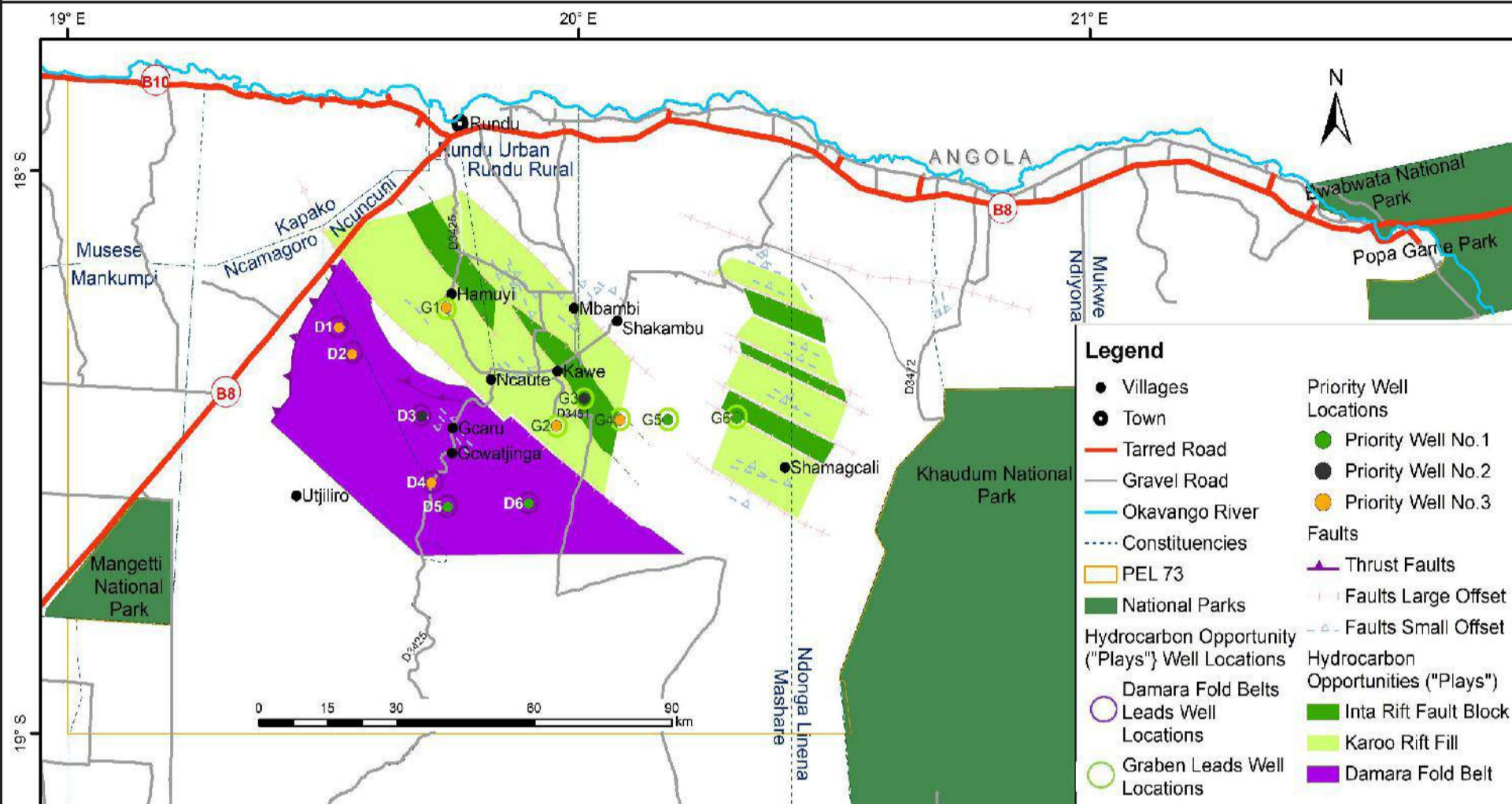
No.	NAME AND SURNAME	ORGANISATION / VILLAGE
11.	Eugen Siwombe Kudimo	Hompá (ulwangali)
12.	Mungjembwa K. Sophia	Hompá (Shambuyu)
13.	HANSURA MARTIN	REN (ELO)
14.	ILTA ASER	RBS
15.	Ernesto Katongo	RBS
16.	Jisak Veijo	REN CLO
17.	Alois Gende	RBS
18.	Ementa Ashipala	RBS
19.	Maggi Nufenda	RBS
20.	Meriam Kayjama	RBS
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**APPENDIX B – IMAGES OF THE MEETING**



## PUBLIC NOTICE FOR APPLICATION FOR ENVIRONMENTAL CLEARANCE (ECC)

**Application for Environmental Clearance Certificate (ECC) for Drilling of Multiple Exploration and Appraisal Wells with Supporting Infrastructures such as Borrow Pits, Access Roads, and Related Services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions, Northern Namibia**



**Reconnaissance Energy Namibia (REN) (Pty) Ltd**, (the "Proponent") holds petroleum exploration rights under the PEL No. 73 covering Degree Square Block No. 1819 and parts of Blocks 1719, 1720, 1721, 1820 and 1821 over the Kavango Sedimentary Basin (KSB) in Kavango West and East Regions in northern Namibia. PEL 73 was granted by the Minister of Mines and Energy under Section 29-38 of the Petroleum (Exploration and Production), 1991, (Act No. 2 of 1991). The Proponent is proposing to drill a number of seismically defined prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 in the KSB, PEL No. 73. Ongoing stratigraphic well drilling, 2D seismic survey operations and the proposed drilling of the prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6, forms part of the ongoing petroleum exploration work programme for PEL No. 73 as agreed in the Petroleum Agreement signed between the Ministry of Mines and Energy (MME) and REN. The results of the 6-1 Mbambi, and 6-2 Kawe, 8-2 Makandina stratigraphic test wells drilled by REN in 2021 and 2022 respectively, and the subsequent 2D seismic survey data acquired in the Kavango Sedimentary Basin (KSB), have established a significant rift basin similar to other major petroleum provinces / rift basins in other parts of the World. Thus far, the integrated interpretation has established the following three (3) groups of hydrocarbon opportunities ("Plays"), Primary: Karoo Rift Fill (Light Oil), Secondary: Intra-Rift Fault Blocks (Light Oil), and Secondary: Damara Fold Belt (New Play, Gas/Gas Condensate). A new petroleum system (play) for KSB, the Damara Fold Belt, has been established based on the interpretation of the seismic data acquired since 2021. The Damara Fold Belt was not anticipated in the original studies of the KSB.

Stratigraphic wells currently being drilled are designed to confirm and map the KSB, associated subbasins and petroleum systems with well targets, prospects and leads as part of a de-risking process based on regional data sets including airborne geophysics, initial 2D seismic and regional geological mapping results. As this de-risking progresses, the proposed exploration and appraisal wells Nos. D1-D6 and G1-G6 are designed to confirm the existence of economic oil and / or gas resources with the delineated targets / prospects and leads process based on additional 2D seismic survey data acquisition and interpretation, airborne geophysical surveys and the stratigraphic well data sets. The objectives of the proposed exploration and appraisal wells drilling programme is to continue with the search for oil gas in Kavango Sedimentary Basin and the associated subbasins and to identify potentially commercial petroleum systems. The drilling of the proposed exploration and appraisal wells will be undertaken using the Crown 750 truck mounted drill rig currently being used by REN to drill the stratigraphic wells and will apply the same drilling technology with the addition of well testing in an event of a discovery. REN will continue with the drilling of the stratigraphic wells based on the current granted permits until all the required permits, consents and authorisations to drill the proposed prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 have been granted by the Government.

The drilling of the proposed prioritised exploration and appraisal wells, cannot be undertaken without an Environmental Clearance Certificate (ECC) as required by the Environmental Protection Clause 11 of the Petroleum Agreement, Petroleum (Exploration and Production), 1991, (Act No. 2 of 1991), Petroleum Laws Amendment Act, 1998, (Act 24 of 1998), Environmental Management Act, 2007, (Act No. 7 of 2007) and the Environmental Impact Assessment (EIA) Regulations 30 of 2012. In fulfilment of the environmental requirements, the Proponent has appointed Risk-Based Solutions (RBS) CC as the environmental / permitting de-risking Consultant, led by Dr Sindila Mwiya and supported by Ms Emerita Ashipala and Mr Samison Mulonga as the Environmental Assessment Practitioners (EAPs) to prepare EIA and Environmental Management Plan (EMP) Reports to support the application for ECC. Interested and Affected Parties (I&APs) are hereby invited to register and submit written inputs / objections with respect to the application for ECC for the proposed drilling of the priority exploration and appraisal wells Nos. D1-D6 and G1-G6 with supporting infrastructures such as borrow pits, access roads, and related services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango West and East Regions, Northern Namibia.

A Background Information Document (BID), and a Draft Environmental Scoping Report are available for comments and inputs upon registration as a stakeholder / Interested and / Affected Party (I&AP). Note: In terms of the provisions of the EIA Regulation 23 (1), an interested and / or affected party is required to disclose any direct business, financial, personal, or other interest which that party may have in the approval or refusal of the ECC application and such declaration will be required when registering as a stakeholder.

### REGISTER BY SENDING AN EMAIL WITH YOUR NAMES, ORGANISATION, CONTACT DETAILS AND DECLARATION / DISCLOSURE OF INTEREST TO:

Ms Emerita Ashipala (EAP/ Risk-Based Solutions Independent Senior Technical Consultant), Email: [emerita.ashipala@gmail.com](mailto:emerita.ashipala@gmail.com)

or

Mr Samison Mulonga (EAP/ Risk-Based Solutions Independent Senior Technical Consultant), Email: [mulongas@gmail.com](mailto:mulongas@gmail.com).

For specific technical clarifications on onshore oil and gas exploration and the environment please contact:

Dr Sindila Mwiya EAP / Technical Permitting Advisor / International Resources Consultant, Email: [frontdesk@rbs.com.na](mailto:frontdesk@rbs.com.na)

### REGISTRATION & WRITTEN SUBMISSIONS DEADLINE IS: FRIDAY, 16<sup>th</sup> DECEMBER 2022

In addition to the current ongoing local community and stakeholder consultation meetings, additional meetings will be organised in local communities, Rundu, Kavango East Region and Nkurenkuru, Kavango West Region in January 2023



**Risk-Based Solutions (RBS) / Sivieda** (URL: [www.rbs.com.na](http://www.rbs.com.na)), *Delivering the Solutions*

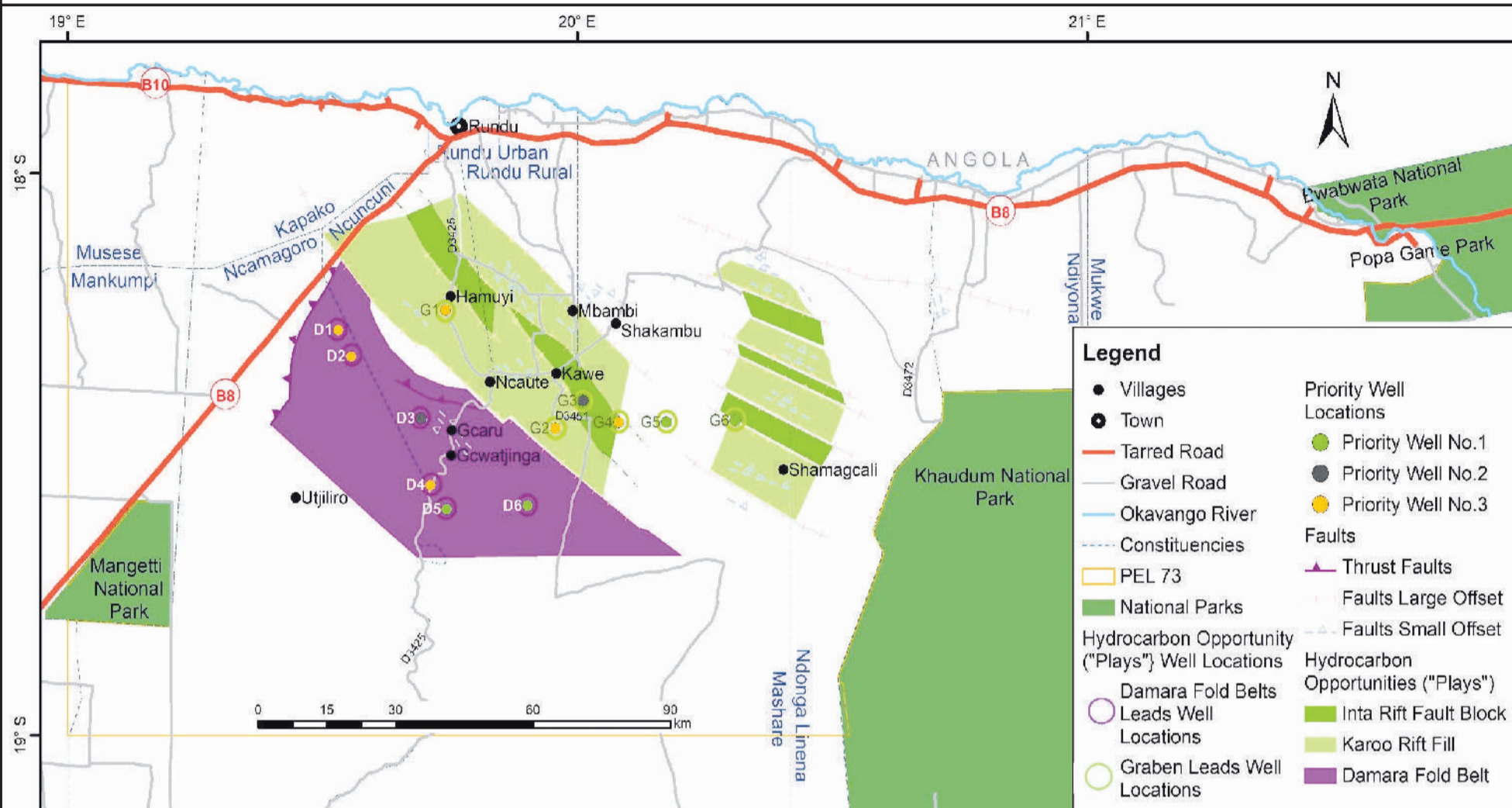
Your Technical Specialist Consultants, Permitting & De-Risking Advisors in Natural Resources covering Petroleum Exploration and Production / Minerals Exploration and Mining / Energy / Water / Environmental Assessments and Management (ESG, SEA, EIA, EMP, EMS)

Find Us @ 10 Schützen Street, Erf No. 7382, Sivieda House-Home of RBS, Tel: +264-61-306058 / 224780 / 236598

# PUBLIC NOTICE FOR APPLICATION FOR ENVIRONMENTAL CLEARANCE (ECC)



**Application for Environmental Clearance Certificate (ECC) for Drilling of Multiple Exploration and Appraisal Wells with Supporting Infrastructures such as Borrow Pits, Access Roads, and Related Services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions, Northern Namibia**



**Reconnaissance Energy Namibia (REN) (Pty) Ltd**, (the "Proponent") holds petroleum exploration rights under the PEL No. 73 covering Degree Square Block No. 1819 and parts of Blocks 1719, 1720, 1721, 1820 and 1821 over the Kavango Sedimentary Basin (KSB) in Kavango West and East Regions in northern Namibia. PEL 73 was granted by the Minister of Mines and Energy under Section 29-38 of the Petroleum (Exploration and Production), 1991, (Act No. 2 of 1991). The Proponent is proposing to drill a number of seismically defined prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 in the KSB, PEL No. 73. Ongoing stratigraphic well drilling, 2D seismic survey operations and the proposed drilling of the prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6, forms part of the ongoing petroleum exploration work programme for PEL No. 73 as agreed in the Petroleum Agreement signed between the Ministry of Mines and Energy (MME) and REN. The results of the 6-1 Mbambi, and 6-2 Kawe, 8-2 Makandina stratigraphic test wells drilled by REN in 2021 and 2022 respectively, and the subsequent 2D seismic survey data acquired in the Kavango Sedimentary Basin (KSB), have established a significant rift basin similar to other major petroleum provinces / rift basins in other parts of the World. Thus far, the integrated interpretation has established the following three (3) groups of hydrocarbon opportunities ("Plays"), Primary: Karoo Rift Fill (Light Oil), Secondary: Intra-Rift Fault Blocks (Light Oil), and Secondary: Damara Fold Belt (New Play, Gas/Gas Condensate). A new petroleum system (play) for KSB, the Damara Fold Belt, has been established based on the interpretation of the seismic data acquired since 2021. The Damara Fold Belt was not anticipated in the original studies of the KSB.

Stratigraphic wells currently being drilled are designed to confirm and map the KSB, associated subbasins and petroleum systems with well targets, prospects and leads as part of a de-risking process based on regional data sets including airborne geophysics, initial 2D seismic and regional geological mapping results. As this de-risking progresses, the proposed exploration and appraisal wells Nos. D1-D6 and G1-G6 are designed to confirm the existence of economic oil and / or gas resources with the delineated targets / prospects and leads process based on additional 2D seismic survey data acquisition and interpretation, airborne geophysical surveys and the stratigraphic well data sets. The objectives of the proposed exploration and appraisal wells drilling programme is to continue with the search for oil and gas in Kavango Sedimentary Basin and the associated subbasins and to identify potentially commercial petroleum systems. The drilling of the proposed exploration and appraisal wells will be undertaken using the Crown 750 truck mounted drill rig currently being used by REN to drill the stratigraphic wells and will apply the same drilling technology with the addition of well testing in an event of a discovery. REN will continue with the drilling of the stratigraphic wells based on the current granted permits until all the required permits, consents and authorisations to drill the proposed prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 have been granted by the Government.

The drilling of the proposed prioritised exploration and appraisal wells, cannot be undertaken without an Environmental Clearance Certificate (ECC) as required by the Environmental Protection Clause 11 of the Petroleum Agreement, Petroleum (Exploration and Production), 1991, (Act No. 2 of 1991), Petroleum Laws Amendment Act, 1998, (Act 24 of 1998), Environmental Management Act, 2007, (Act No. 7 of 2007) and the Environmental Impact Assessment (EIA) Regulations 30 of 2012. In fulfilment of the environmental requirements, the Proponent has appointed Risk-Based Solutions (RBS) CC as the environmental / permitting de-risking Consultant, led by Dr Sindila Mwiya and supported by Ms Emerita Ashipala and Mr Samison Mulonga as the Environmental Assessment Practitioners (EAPs) to prepare EIA and Environmental Management Plan (EMP) Reports to support the application for ECC. Interested and Affected Parties (I&APs) are hereby invited to register and submit written inputs / objections with respect to the application for ECC for the proposed drilling of the priority exploration and appraisal wells Nos. D1-D6 and G1-G6 with supporting infrastructures such as borrow pits, access roads, and related services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango West and East Regions, Northern Namibia.

A Background Information Document (BID), and a Draft Environmental Scoping Report are available for comments and inputs upon registration as a stakeholder / Interested and / Affected Party (I&AP). Note: In terms of the provisions of the EIA Regulation 23 (1), an interested and / or affected party is required to disclose any direct business, financial, personal, or other interest which that party may have in the approval or refusal of the ECC application and such declaration will be required when registering as a stakeholder.

## REGISTER BY SENDING AN EMAIL WITH YOUR NAMES, ORGANISATION, CONTACT DETAILS AND DECLARATION / DISCLOSURE OF INTEREST TO:

Ms Emerita Ashipala (EAP/ Risk-Based Solutions Independent Senior Technical Consultant), Email: [emerita.ashipala@gmail.com](mailto:emerita.ashipala@gmail.com)

or

Mr Samison Mulonga (EAP/ Risk-Based Solutions Independent Senior Technical Consultant), Email: [mulongas@gmail.com](mailto:mulongas@gmail.com).

For specific technical clarifications on onshore oil and gas exploration and the environment please contact:

Dr Sindila Mwiya EAP / Technical Permitting Advisor / International Resources Consultant, Email: [frontdesk@rbs.com.na](mailto:frontdesk@rbs.com.na)

**REGISTRATION & WRITTEN SUBMISSIONS DEADLINE IS: FRIDAY, 16<sup>th</sup> DECEMBER 2022**

In addition to the current ongoing local community and stakeholder consultation meetings, additional meetings will be organised in local communities, Rundu, Kavango East Region and Nkurenkuru, Kavango West Region in January 2023



**Risk-Based Solutions (RBS) / Sivieda** (URL: [www.rbs.com.na](http://www.rbs.com.na)), *Delivering the Solutions*

Your Technical Specialist Consultants, Permitting & De-Risking Advisors in Natural Resources covering Petroleum Exploration and Production / Minerals Exploration and Mining / Energy / Water / Environmental Assessments and Management (ESG, SEA, EIA, EMP, EMS)

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**REGISTERED STAKEHOLDER COMMENTS AND EAPs RESPONSES TO THE  
DRAFT SCOPING REPORT**

**ECC FOR THE PROPOSED DRILLING OF THE PROPOSED D1-D6 AND G1-G6 EXPLORATION AND APPRAISAL  
WELLS WITH SUPPORTING INFRASTRUCTURE SUCH AS BORROW PITS, ACCESS ROADS, AND RELATED  
SERVICES IN KAVANGO SEDIMENTARY BASIN PEL NO: 73**

NAME ORGANISATION	COMMENTS/ <b>RESPONSES IN RED</b>
1. Andy Gheorghiu Andy Gheorghiu Consulting	<p><u>In your June 2019 final Environmental Impact Assessment (EIA) Report to support the application for Environmental Clearance Certificate (ECC) for the drilling of multiple stratigraphic wells you wrote:</u></p> <p><u>"The survey and analysis confirm that the Kavango Basin reaches depths of up to 9.144 km (30,000 feet), under optimal conditions to preserve a thick interval of organic rich marine shales and is anticipated to hold an active petroleum system. ' ... Reconnaissance Energy Namibia (Pty) Ltd has interpreted high resolution aero magnetic data documenting a very deep untested Kavango Basin with optimal conditions for preserving a thick interval of organic rich marine shales in the lower portion of the Karoo Super Group"</u></p> <p><u>ReconAfrica has constantly and repeatedly highlighted the fact that they're after the shale play. Any so-called conventional resources would be merely a by-catchi. Recon also confirms the need for fracking operations in the July 2020 report where the company also compares the Kavango Basin with the Karoo/Permian Whitehill Basin in South Africa.ii What's really worrying, is that Recon is very confident to get access to water over the envisaged production period of at least 25 years – although they are clearly operating in a very arid area:</u></p> <p>Please take note that the activities covered by the Draft Scoping Report and BID are exclusively exploration activities. Fracking is not an exploration activity and at no point does the BID, or Draft Scoping Report mention fracking as part of the planned drilling / exploration activity of the proposed multiple exploration and appraisal wells. Every company working in all of the other basins in the world start off by exploring for conventional reservoirs. No operator would bypass conventional reservoirs that are shallower and much easier to economically develop and produce to go straight to the deeper, more expensive and harder to develop unconventional shales. That makes no economic or business sense.</p> <p><u>"Of tremendous concern in South Africa is water, a significant requirement for unconventional plays requiring fracture stimulation. Shell is looking at conservation, recycling, and brackish water as to not compete with locals for fresh water resources. ReconAfrica's situation is significantly better in that surface rights and access are held by the government, and abundant ground water supplies should be a source of building, not breaking, relationships with the local population. (page 17)"</u></p>

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	<p>A detailed groundwater study has been implemented as part of the EIA and EMP Reports and more detailed site-specific data on water situation for the proposed exploration and appraisal drilling operations will be provided. Again conventional development using very little water</p> <p>In your current draft Environmental Scoping Report for Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for the drilling of multiple exploration and appraisal wells with supporting infrastructure, <b>you confirm that Reconnaissance Energy Namibia (REN) will be using a shale-control mud to seal microfractures and coat shale surfaces</b> (pages XIV and 102).</p> <p>You also explain that "<b>most shales have very low permeability, but relatively good porosity</b>" and that this is the "<b>reason for fracking to allow oil or gas to flow to hole if discovered in a shale rock</b>) but – contrary to all the references and firm claims made in reports and presentations by ReconAfrica and your own reports before – you say that "<b>at present Namibia does not have any onshore oil or gas discovery and yet alone in a reservoir with limited connectivity abilities and requiring fracking to produce or pump it</b>" (page 91. This doesn't really exclude the necessity of fracking operations in the case of oil/gas findings and looks rather like an unfortunate wording aimed at blurring the obvious: <b>Fracking was and will be at stake in the case of oil/gas findings in the Kavango!</b></p> <p>The activities covered by the Draft Scoping Report and BID are exclusively exploration activities. Fracking is not an exploration activity and at no point does the BID, or Draft Scoping Report mention fracking as part of the planned drilling of the proposed multiple exploration and appraisal wells. Recon is not using a shale-control mud system, Recon is using a water-based polymer mud system that has additives to control clays that can be found in shales. Not that it's relevant, but shales have very poor permeability and very poor porosity, thus requiring these shales to be fracked to create the permeability and flow ability.</p> <p>The needed industrialisation that goes along with the envisaged production phase of at least 25 years must be considered as part of this scoping report. The current application for "<b>multiple exploration and appraisal wells with supporting infrastructures such as borrow pits, access roads, and related services</b> "<b>already</b> gives a glimpse into the foreseeable industrialisation of the impacted biodiversity areas. This must be addressed in an orderly and comprehensive manner.</p> <p>The Proponent REN holds an exploration license (PEL) not a production license. Please take note that the activities covered by the Draft Scoping Report and BID are exclusively exploration activities and does not include any production phase. Planned activities and their impacts and mitigation measures are included in the Draft Scoping Report and will be even more extensively covered in biodiversity specialist reports to be incorporated into the EIA and EMP for all components necessary or desirable in accordance with the EMA and its Regulations.</p> <p><b>Strategic Environmental Assessment and Moratorium on current Exploration Phase required– UNESCO's and IUCN's Calls</b></p> <p>To truly assess the cumulative impacts of ReconAfrica's plans in the Okavango basin, a transboundary Strategic Environmental Assessment is required and must be rapidly conducted. In July 2021, UNESCO adopted the following decision during the extended 44th session of the World Heritage Committee:</p> <p><i>"... Expresses concern about the granting of oil exploration licenses in environmentally sensitive areas within the Okavango river basin in north-western Botswana and north-eastern Namibia that could result in potential negative impact on the property in case of spills or pollution;</i></p>

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	<p><u>Urges the States Parties of Botswana and Namibia to ensure that potential further steps to develop the oil project, which include the use of new exploration techniques, are subject to rigorous and critical prior review, including through Environmental Impact Assessment (EIA) that corresponds to international standards, including an assessment of social impacts and a review of potential impacts on the World Heritage property.</u></p> <p><b><u>Requests furthermore the State Party to submit to the World Heritage Centre, by 1 February 2022, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 45th session.</u></b></p> <p>The urgent need for action to protect the Okavango from oil and gas exploitation was also expressed during the World Congress of the International Union for Conservation of Nature (IUCN) that took place in September 2021 in Marseille. Motion 136iv points to the human and indigenous rights aspects of the case, raises the climate change urgency and refers to UNESCO's request calling on Namibian and Botswana to conduct a proper EIA "prior to any further exploration and any future development of oil and gas resources and other extractive activities in and/or affecting the Okavango River basin and its people."</p> <p>In the February 2022 State of Conservation Report, the Government of Botswana acknowledged the concerns raised by the World Heritage Committee and promised that a "rigorous and critical Environmental Impact Assessment is a prerequisite to any intrusive development in the area.". Botswana also pledged to monitor prospecting and mining activities within the Okavango River Basin and „to continue the engagement of Angola and Namibia on the management of the shared waters of the Cubango-Okavango River Basin. “</p> <p><b><u>The current application of ReconAfrica for Environmental Clearance Certificate of multiple exploration and appraisal wells must be rejected and a robust strategic environmental assessment – as required by UNESCO and IUCN – must be conducted first.</u></b></p> <p>Thank you for your input. All your comments will be incorporated, and detailed environmental assessments will be provided in the final draft EIA and EMP Reports to be prepared for the exploration and appraisal wells, such detailed environmental impact assessment terms of reference considerations have been provided in the Draft Scoping Report provided to you as a registered stakeholder.</p>
2. Jan Arkert Frackfree Namibia	<p><u>Namibian legislation does not provide a definition of an appraisal, exploration or stratigraphic well and nor do the recognised oil and gas industry glossaries. We therefore ask that you provide us with a concise definition of each.</u></p> <p>As clearly indicated in the advert and the scoping report, a stratigraphic well is designed to study the geology (strata / layers) and validate the existence of a sedimentary basin. An exploration well is "a Well drilled in the Exploration operations" is designed to explore for further information on the oil or gas resources data while an appraisal (evaluation of the findings) is to determine the quantity of the discovered oil and gas resources following the drilling of a successful exploration well and in the exact same successful exploration well site location.</p> <p><u>We also request that you provide us with a concise list of down-the-hole activities and the different activities that are proposed in the exploration and appraisal wells.</u></p> <p>Down-the-hole activities simply refer to the drilling procedure for exploration or appraisal wells covering site preparation, section drilling according to well design basis (top, intermediate, and bottom sections with logging, as may be required, while casing and cementing for</p>



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	<p>each section). The difference in the down-the-hole activities between an exploration and appraisal well only lies in the completion and well testing requirements that may be applied to an appraisal well. The type of well testing will depend on what has been discovered and the technical setting and well design basis.</p> <p><u>Could you please allude to the difference of the surface development and environmental impacts between the appraisal wells, the exploration wells and for comparison with past activities in Kavango, the stratigraphic wells.</u></p> <p>Surface development activities and drilling procedures for stratigraphic, exploration and appraisal wells have similarities linked to the key technical specifications and basis for wells layouts and basis for well designs. Details of the environmental impacts for stratigraphic wells are fully provided in previous environmental assessment reports prepared for the stratigraphic well drilling programme. Detailed environmental assessments will be provided in the EIA and EMP Reports to be prepared for the exploration and appraisal wells and such detailed environmental impact assessment terms of reference considerations have been provided in the Draft Scoping Report provided to you as a registered stakeholder.</p> <p><u>It is currently proposed that 12 appraisal wells AND exploration wells are to be drilled. No indication in the Draft Scoping Report is provided as to which of the holes pre-fixed D or G will be either an appraisal well or exploration well, could such a list be provided.</u></p> <p>What has been provided for in the Draft Scoping Report are prioritised 12 exploration and appraisal wells. On the objective differences between an exploration and appraisal well, please refer to point 1 above and the Draft Scoping Report provided. There is no appraisal well drilling programme before an exploration well discovery.</p> <p><u>As the use of the appropriate nomenclature is clearly very important to you, we request that you carefully edit the Draft Scoping Report as the intention to drill "stratigraphic wells" appears in a number of places. These might be the result of poor proof reading or perhaps confusion within your office as to the appropriate terminology.</u></p> <p>Thank you for providing the editing support. However, the report we have issued is called a Draft Scoping and is currently being edited and a Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP.</p>
<p>3. Namibia Environment and Wildlife Society</p>	<p><u>One of the greatest concerns about this project is the need for large quantities of freshwater. It is acknowledged that a water specialist assessment has been commissioned, but could you (a) indicate anticipated volume of water needed at each drill site and (b) what volumes of excess drilling fluid are expected?</u></p> <p><u>The information will be provided in the water specialist study report and incorporated in the EIA Report.</u></p> <p><u>Several of the proposed wells are in community forests. How will the loss and alteration of habitat and drilling activities affect current livelihoods there (D1, D2, D3 D5)?</u>  <u>Similarly, how would habitat loss / alteration and drilling activities impact any current commercial farming activities (D6, G2, G3, G4, G5, G6) or village activities (D4, G1)?</u></p>

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	<p>The footprint of any of the prioritised wells to be drilled will be 3Ha. The site to be used for drilling individual wells will be restored if the well is dry. The actual footprint impact will be assessed in the EIA Report. The environmental assessment process assesses the overall severity of potential positive and negative environmental impacts on the receiving local (drill sites), regional (Kavango East and West Regions), national (Namibia), and transboundary (KAZA TFCA). Detailed mitigation measures that the proponent shall implement in minimising and maximizing the likely effects of negative and positive impacts that may be associated with the drilling of multiple exploration and appraisal wells within PEL No: 73.</p> <p><u>Page 48 states that "no new tracks/roads are envisaged as an existing access route will be used to access the proposed development area." Some of the areas shown in the maps (Figures 1.12 to 1.23) do not look as if there are tracks leading to the proposed well sites. Could an indication be given how many new tracks/roads will need to be made or upgraded, and what percentage of that would be in relatively pristine versus already altered habitats?</u></p> <p>The draft scoping report has been prepared whilst many specialised studies are still being commissioned, the Application for Environmental Clearance Certificate includes the proposed multiple exploration and appraisal wells and supporting infrastructure such as borrow pits, <b>access roads, and related services</b> in Kavango Sedimentary Basin PEL No: 73. This means where deemed necessary, roads will be upgraded/access roads created and all these activities will be assessed and included in Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP.</p> <p><u>How is reclamation "to minimise surface disturbance" of the affected area done (see page 94)? Reclamation is presumably not equal to complete structural and functional restoration to pre-drilling levels. Perhaps explicitly define the terms "reclamation", "rehabilitation" and "restoration" that are used in this report, to indicate the aims and methods used in each approach.</u></p> <p>The main purpose is not to restore the area to its pre-drilling levels but rather to ensure post-drilling suitable land use for the area based on the needs and priorities of the local communities / land owner requirements.</p> <p><u>The idea of repurposing (rather than restoring) some of the affected areas after completion of exploration drilling activities for the benefit of local communities has merit (pages 94/130). Some of the proposed sites appear to be fairly remote; would there be a demand for envisaged "community centres" at these sites? Similarly, would the affected area after the completion of drilling activities be suitable for reforestation, garden, or nursery projects?</u></p> <p>Not all sites will become "community centres". The post-drilling land use of each site will be determined through a community needs assessment based on the best land use scenario and taking factors such as access and remoteness into consideration.</p> <p><u>Could you elaborate on what "environmentally focused laboratories" are in the context of the analysis of cuttings (page 103)?</u></p> <p>Drill cutting has proven to be a good potential soil enhancer for farmers in many different countries. An Environmental focused Laboratory is responsible for dealing with contaminants that affect the environment, humans, and wildlife. Such laboratories consist of advanced technology and experienced researchers, who produce analytical data on biological, ecological, and physical sciences by performing insightful tests on various elements.</p>

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	<p>Has the method proposed in Step 3 to rehabilitate surrounding impacted areas been found to be successful in restoring the affected area to its pre-drilling functional and structural state (page 132)? What percentage of the affected area can reasonably be expected to be restored fully after completion of the project?</p> <p>The Terms of Reference for the flora and fauna specialist assessment should specifically include the identification/mapping of any critical habitats in the broader AOI that may be impacted by the proposed project. All specialist studies also need to include any cumulative impacts in their assessments.</p> <p>Thank you for your input. All your comments and recommendation will be considered when finalising the reports. The fauna and flora reports include the identification of critical habitats as well as protected and endemic species in the broader AOI. Furthermore, site level assessments for the proposed well locations will be undertaken to lead to specialist report for each site. All specialist studies include cumulative impacts in their assessments.</p>
<p>4. Liz Frank Women Leadership Centre</p>	<p>The CEDAW Committee has recognised that oil and gas extraction—through both conventional and unconventional techniques—threatens human rights through its direct impacts on local communities and ecosystems, and its indirect effects on the global climate. Hydraulic fracking poses particularly acute risks to water sources and health and contributes significantly to global warming. In view of these harms, the development of oil and gas in the Kavango region—home to critical freshwater sources on which numerous Indigenous Peoples and local communities depend, in a semi-arid, drought-prone country—jeopardises the rights of rural women and girls in the affected communities, including the rights to water, health, and livelihood, under CEDAW Articles 12 and 14. Moreover, unlocking oil and gas reserves in Namibia’s Kavango basin would lead inexorably to a significant increase in greenhouse gas emissions. Those emissions would exacerbate climate change, which disproportionately harms women, thereby heightening the vulnerability of rural women and girls in the affected area and compounding the adverse local impacts of oil and gas extraction.</p> <p>The activities covered by the Draft Scoping Report and BID are exclusively exploration activities. Fracking is not exploration activity and at no point does the BID, or Draft Scoping Report mention fracking as part of the planned drilling of the proposed multiple exploration and appraisal wells and supporting infrastructure such as borrow pits, access roads and related services in Kavango Sedimentary Basin PEL No: 73.</p> <p><b><u>THERE IS NO PLANET B!</u></b> The United Nations secretary general, <b>Antonio Guterres</b>, issued a stark warning at the recent COP27 summit that the world was losing its fight against climate change. <b><u>“The global addiction to fossil fuels must end and a renewables revolution jumpstarted!”</u></b> <b><u>“We are in the fight of our lives, and we are losing.” “Greenhouse gas emissions keep growing, global temperatures keep rising, and our planet is fast approaching tipping points that will make climate chaos irreversible.”</u></b> 2 <b><u>“We are on a highway to climate hell with our foot still on the accelerator.”</u></b> UN News, 18 September 2022 Speaking at the 15th summit on biodiversity (COP15) Guterres said:</p>

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	<p><b><u>“Humanity has become a weapon of mass extinction. Governments must end the orgy of destruction.” “Our land, water and air are poisoned by chemicals and pesticides, and choked with plastics ... The most important lesson we impart to children is to take responsibility for their actions. What example are we setting when we ourselves are failing this basic test?”</u></b></p> <p><b><u>“Multinational corporations are filling their bank accounts while emptying our world of its natural gifts and making ecosystems playthings of profit.” “We must recognise the rights of indigenous peoples and local communities as stewards of nature.” “The deluded dreams of billionaires aside, there is no Planet B.”</u></b> UN News, 6 December 2022</p> <p>According to its own statements, the Canadian-based company ReconAfrica Limited plans to explore the so-called Kavango Basin and, in the case of a promising discovery, to extract oil and/or gas mainly from shale layers in the licensed area in Namibian and Botswana for a period of at least 25 years. The rural areas targeted for oil and gas exploration and development in Namibia, Kavango East and West, are inhabited by indigenous San Peoples and local communities. Women and girls in these communities are already marginalised and suffer from multiple, intersecting forms of discrimination. Oil and gas extraction will only exacerbate these vulnerabilities, through both its local and global impacts. Locally, oil and gas production – particularly through unconventional methods, like fracking – could lead to depletion and contamination of scarce local water sources and other forms of pollution, health hazards, displacement and disruption of local livelihoods and food security, and potential introduction of social conflict and disease, among other potential impacts.</p> <p>Globally, the production of oil and/or gas in Namibia will lead inevitably to increased greenhouse gas emissions from the burning of those fossil fuels, exacerbating climate change which disproportionately harms women, particularly rural women.</p> <p>The environmental assessment process assesses the overall severity of potential positive and negative environmental impacts on the receiving local (drill sites), regional (Kavango East and West Regions), national (Namibia) and transboundary (KAZA TFCA) and global environment as provided for in the Draft Scoping Report. Based on the findings of the Scoping Report an EMP Report has been prepared detailing the mitigation measures that the proponent shall implement in minimising and maximizing the likely effects of negative and positive impacts that maybe associated with the drilling of multiple exploration and appraisal wells within PEL No: 73.</p> <p><b><u>Together with over 120 Civil Society Organisations in Namibia, we renew our call for a moratorium and full public enquiry into the exploration and possible production of oil and gas in the Kavango regions, with a particular focus on the socio-economic, cultural and health impacts on women. With this we take a stand for all future life on this planet. There is no planet B!</u></b></p> <p>Thank you for your input.</p>
5. Severin Tame Frack Free Namibia	<p>The term Kavango Sedimentary Basin is used in the title of the Draft Scoping Report (dSR) and is not accepted terminology, as recognised by the Southern African Committee for Stratigraphy. It is therefore not recognised geological nomenclature and cannot be used as such.</p> <p>The Southern African Committee for Stratigraphy is focused on regional geological stratigraphic setting and correlation various geological units. The Southern African Committee for Stratigraphy does not allocate names to project specific geological or petroleum system nomenclature. The term Kavango Sedimentary Basin, as newly discovered rift basin is valid and accepted in Namibia and beyond.</p>

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	<p><u>Namibian legislation does not provide a definition of an appraisal, exploration or stratigraphic well and nor do the recognised oil and gas industry glossaries. We therefore ask that a concise definition of each is provided.</u></p> <p>As clearly indicated in the advert and the scoping report, a stratigraphic well is designed to study the geology (strata / layers) and validate the existence of a sedimentary basin. An exploration well is "a Well drilled in the Exploration operations" is designed to explore for further information on the oil or gas resources data while an appraisal (evaluation of the findings) is to determine the quantity of the discovered oil and gas resources following the drilling of a successful exploration well and in the exact same successful exploration well site location.</p> <p><u>It is currently proposed that 12 appraisal wells AND exploration wells are to be drilled. No indication in the Draft Scoping Report is provided as to which of the holes pre-fixed D or G will be either an appraisal well or exploration well.</u></p> <p>What has been provided for in the Draft Scoping Report are prioritised 12 exploration and appraisal wells. On the objective differences between an exploration and appraisal well, please refer to the Draft Scoping Report provided. There is no appraisal well drilling programme before an exploration well discovery.</p> <p><u>As it is apparent that appropriate and correct use of terminology is very important to the EAP it is requested that the dSR is either edited and proofread by Risk Based Solutions to rectify the misleading intention to drill "stratigraphic wells" that appears throughout the report, or alternatively that the authors of the report are made familiar with the appropriate. An example of the EAP's misuse of appropriate terminology is presented on page 117, where the following statement is included "No gas flaring will take place because the type of wells being drilled are stratigraphic test wells."</u></p> <p>Thank you for providing the editing support. However, the report we have issued is called a Draft Scoping and is currently being edited and a Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP.</p> <p><u>It has been indicated that the current impact assessment includes the proposed drilling of 12 appraisal wells and exploration wells as well as the associated infrastructure such as well pad areas, borrow pits and access roads. It is appropriate to note that the proposed drill pads will occupy approximately 3ha, while, according to the EIA for the stratigraphic wells indicated that the well pad would occupy a surface area of 150m x 150m (i.e. 2.2ha). This represents 26% increase in area impacted by the proposed activities. It is apparent that the use of a Crown 750 truck mounted drilling rig is proposed – the same equipment used during the stratigraphic drilling program, yet no explanation for the enlargement to the well pad area has been provided.</u></p> <p>The 3Ha is the maximum area that may be disturbed the actual pad area is 200m x 150 m.</p> <p><u>No details of the size and depth of the proposed reserve cutting pits are provided. The number of borrow pits, locations, extent, and depth have not been provided. These features not only have a direct impact on the adjacent fauna and flora but also on the adjacent communities. The proposed environmental impact assessment cannot be conclusive without appropriate consideration of these facilities.</u></p>

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	<p>To be included in the final draft Scoping and EIA Reports.</p> <p><u>In a similar vein, the details of the location, length, and width of roads leading to the well sites and borrow pits are not addressed. The omission of these critical aspects from the dSR and the proposed EIA constitute serious flaws to the process.</u></p> <p>To be included in the final draft Scoping and EIA Reports.</p> <p>Kindly take note that the document provided is draft and still requires editing before the final Scoping and EIA Reports are issued. However, thank you for the observation, we will ensure to include it.</p> <p><u>It is proposed that 12 appraisal wells and exploration wells are to be drilled. No indication in the dSR is provided as to which of the holes prefixed D or G will be either an appraisal well or exploration well, and no indication is provided of the extent of the surface development and thus environmental impact of each is included in the report.</u></p> <p>What has been provided for in the Draft Scoping Report are prioritised 12 exploration and appraisal wells. On the objective differences between an exploration and appraisal well, please refer to the Draft Scoping Report provided. There is no appraisal well drilling programme before an exploration well discovery.</p> <p><u>Despite the claim by the EAP on page 46 that [no new tracks/roads are envisaged as an existing access route will be used to access the proposed development area], this is not borne out by the images provided of the proposed individual drill site (figures 1.12 to 1.23 which show the sites to be poorly and, in most cases, wholly unserved by existing roads.</u></p> <p>Kindly take note that the draft scoping report has been prepared whilst many specialised studies are still being commissioned, the Environmental Clearance Certificate includes the proposed multiple exploration and appraisal wells and supporting infrastructure such as borrow pits, <b>access roads, and related services</b> in Kavango Sedimentary Basin PEL No: 73. This means where deemed necessary, roads will be upgraded/access roads created and all these activities will be assessed and included in Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP.</p> <p><u>A statement is included on page 29 of the dSR, which reads as follows: "Within a PEL, exploration or production AOI, only localised well areas are affected and linked to where the actual exploration or production activities are taking place that defines the actual surface footprint of the operation effort. An oil or gas field AOI can only be delineated following a commercial discovery and completion of an appraisal well drilling and testing operation before, actual field development can be contemplated." This statement is factually incorrect, as the proposed activities will extend well beyond the footprint of the well pads. Albeit that it was not stated in a Namibian High Court, it is relevant to note the comments made by Judge Mbenenge of the Makanda High Court in South Africa, when reading the judgement of the Wild Coast 2D Seismic case in South Africa on 1st September 2022, mandated a full – not salami-sliced – analysis of the impacts of gas and oil exploration, extraction, processing, transport, combustion and disposal: "the processes are discrete stages in a single process that culminates in the production and combustion of oil and gas, and the emission of greenhouse gases that will exacerbate the climate crisis..." It was clearly</u></p>

NAME ORGANISATION	COMMENTS/ RESPONSES IN RED
	<p>stated that ring fencing the EIA to just the proposed exploration activities without considering the future impacts of the ultimate intended extraction of oil and gas is irresponsible. These comments are equally pertinent to the proposed activities in East and West Kavango, Namibia.</p> <p>It is important to note that Namibian legislation is explicit on the difference between exploration and production phase of a given project. Therefore, there is a requirement for separate Environmental Impact Assessments for the two phases. This includes footprint for each phase and positive and negative impacts inclusive of mitigation measures. Therefore, the comments on oil production and possible footprint/impacts are not part of this exploration EIA. It is also important to note that Namibia and South Africa have different legislation and policy frameworks.</p> <p>To further illustrate the naiveté of the EAP's comments in the dSR, we would like to highlight the following comment that is included in fig 1.24 on page 29. "The size of an oil and gas exploration well (actual hole drilled) differs from well to well, but is generally around 12.5 to 130 centimetres wide and this is the footprint made into the ground with targets as deep as 3 - 4 km." In the context in which the statement is presented, the diameter of the intended well and the ultimate depth of the well is irrelevant. This is misleading and has the potential to cause significant confusion. It is also relevant to note that it is stated elsewhere in the dSR that the wells will be drilled to a depth of 2800m (see page 107) not 3-4km as indicated above. The discrepancies observed are an indication of the poor editing and proofreading prevalent throughout the dSR.</p> <p>Thank you for providing the editing support. However, the report we have issued is called a Draft Scoping and is currently being edited a Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP.</p> <p>As the current proposed activities include assessment wells and exploration wells and NOT stratigraphic wells as stated on page 117, the drilling will specifically targeting potential geological features previously identified. There is a possibility of the targeted location being successful and a gas reservoir being located. Gas flaring occurs in multiple stages of the oil &amp; gas value chain, starting with exploration and field development. While drilling, pressure in the circulating mud system can build up and create flowback, or kicks. This build-up of gas must be contained to avoid dangerous well control events, which is why the gas is routed to specialized gas busting equipment then fed into a nearby flare stack. Flare stacks are used during drilling, completions, production operations, and midstream processing. Gas flaring occurs in areas where infrastructure to accommodate oil and gas is not available such as East and West Kavango. The associated gas that is produced is stranded gas because it lacks the specialized infrastructure needed to economically transport and process it. As a result, stranded gas is flared. The EAP must address the possibilities and likely impacts of gas that may well be flared during the current proposed extension to the exploration activities.</p> <p>An acknowledgement is included on page 37 of the dSR that; "...the Namibian component of KAZA TFCA plays a pivotal role in providing migration routes for wildlife between Angola, Botswana, and Zambia." The significance and importance of the wildlife migration routes are not elaborated upon in the dSR and the potential impact of the proposed activities on these wildlife corridors appear to warrant no further discussion. It is critical that a fully inclusive specialist fauna study must address the implication on wildlife behaviour in PEL 73.</p> <p>A detailed specialist fauna and flora study is being undertaken inclusive of site level reports for each well location. As part of this project, a wildlife monitoring programme has been initiated between the proponent and the Ministry of Environment Forestry and Tourism with one of the key objectives anchored on the identification of wildlife migration routes and corridors in Kavango East and West. This is an ongoing activity and as part of the project collaring of wildlife was undertaken from September to November 2022.</p>

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	<p>Figure 4.1 and the caption that appears on page 42 of Risk Based Solutions Environmental Impact Report Volume 2 of 3 for exploratory drilling in PEL 3 dated June 2019, includes in the caption is the following wording: "...elephant movement between Kaudum and Mangetti NP's and Kaudum NP and Bwabwata NP (Mahangu Core Area) are indicated (dotted black lines)" It is important to record that the current dSR, under review, does not include this figure and associated caption. Does this imply that the report of 2019 was factually incorrect or alternatively have these facts intentionally been omitted from the current dSR? It is anticipated that a comprehensive review of all applicable seasonal migration of fauna will be included in the specialist study that will lend to enlightened decisions being reached prior to the issue of an Environmental Clearance Certificate.</p> <p>As indicated above the report is draft Scoping Report and will still be edited and expanded with inputs from the specialist studies. The fauna and flora specialist study will form part of the final EIA and EMP and will reflect relevant information on fauna and flora.</p> <p>It is proposed that the specialist fauna and flora study will be concluded during November 2022 (dry season) and January 2023 (wet season). The time allocated to these studies is totally insufficient to enable a comprehensive site-specific study to be conducted on each of the twelve proposed drill sites, each proposed borrow and the service roads. Generic desktop studies as conducted for the previous exploration activities (stratigraphic drilling and 2D seismic surveys) are considered to be wholly inadequate.</p> <p>Please take note that in addition to the detailed literature review field assessments have been undertaken in the AOI since 2018 by the specialist including field work in 2021, 2022 and planned fieldwork that will take place in January 2023. Therefore, relevant information and data has been collected over an extended time period within the AOI.</p> <p><u>IPBES (2019), in the Global assessment report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services reported that "...terrestrial and freshwater ecosystems, land-use change has had the largest relative negative impact on nature since 1970..." Similarly, the WWF Living Planet Report 2022 – Building a nature positive society, stated that "Ecological connectivity refers to the unimpeded movement of species and the flow of natural processes that sustain life on Earth. Habitat fragmentation across land, air and waters breaks this connectivity and is a global threat to the conservation of biodiversity and the ecological processes that sustain the biosphere. Through the destruction and degradation of habitat, fragmentation impacts nature in three specific ways. Firstly, it reduces overall habitat area and quality. Secondly, it also increases isolation from other habitat patches. Finally, it amplifies edge effects around the boundary of a habitat fragment, for example, by increasing the frequency of abrupt transitions from natural to altered habitats." Habitat fragmentation, habitat degradation and associated edge effects are well researched, and a plethora of relevant peer reviewed data are available, and yet despite these well publicised observations and concerns, the EAP has failed to recognise that these factors that are considered to be the primary reasons for the world-wide Living Planet Index that shows an average 69% (66% in Africa) decrease in monitored wildlife populations between 1970 and 2018. The draft Scoping Report does not consider how extensive the proposed oil and gas exploration activities will impact of fauna and flora due to the inevitable destruction and fragmentation of habitats. Studies of this nature require multi-disciplinary specialist review, spanning appropriate spatial and temporal scales.</u></p> <p>Indeed, habitat loss and fragmentation are the biggest threat to biodiversity. The EIA process objective, therefore, is aimed at determining the positive and negative impacts of the intended exploration activities and mitigation measures to ensure minimal footprint. The fauna and flora specialist study elaborate habitat, protected and endangered species including any endemic species.</p>



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	<p><u>The continued reliance by the EAP on quoting the numbers of species (It is estimated that at least 67 species of reptile, 32 amphibian, 116 mammal and 21 0 bird species (breeding residents) are known to or expected to occur) present in Kavango East and West does not provide a rational assessment to be made of the dynamic nature of population densities of species. Only in the presence of scientifically rational studies of viable population densities of individual species can sound assessments be made of the impact that the proposed exploration activities be made. No reference to any appropriate studies is included in the dSR.</u></p> <p>In addition to the detailed literature review field assessments have been undertaken in the AOI since 2018 by the specialist including field work in 2021, 2022 and planned fieldwork that will take place in January 2023. Therefore, relevant information and data has been collected over an extended time period within the AOI.</p> <p><u>The continued insistence of the EAP to refer to the degree of endemism of species in PEL 73, with the tacit insinuation that the low levels of endemism prevalent indicates that the area is of lesser concern is irrational. Described as "medium' and "average' without qualification on page 46 suggests a lack of familiarity with the discipline. The EAP has made extensive use of the report by Mendelsohn, J., Jarvis, A., Roberts, A. and Robertson, T. 2002. Atlas of Namibia - a portrait of the land and its people, however, has failed to take cognisance of the definition endemism, that some groups consider a species to be endemic to Namibia if 100% of the species range falls within the geographical boundaries of the country. Other groups argue that 75 to 90% of the home range must be within Namibia. Clearly in an area of concern such as PEL 73 which is bound to the north and east by geographical borders, the likely occurrence of endemic species will be significantly reduced. It would therefore be more appropriate to consider the distribution of species on a regional scale as opposed to the more limiting and artificially created national boundaries. A significantly more relevant scenario of species vulnerability will develop in the event of appropriate parameters being applied to the environmental assessment.</u></p> <p>The methodology applied in the assessment and description of species within the AOI revolves around both national and international accepted best practises. The literature review is accompanied by various field assessments by the specialist (2018-2022) with a planned field trip in January 2023). Endemism is not the only description in the specialist reports. The conservation and legal status of a species with regards to protection (through legislation and international conventions) and designation through CITES and other conventions are taken into consideration in the specialist reports and the EIA and EMP.</p> <p><u>Reference is made by the EAP to the presence of large trees and grasses that occur in the general vicinity of PEL 73. No effort has been made to identify the presence of geophytes, and small perennial and non-perennial plants. These include traditional medicinal plants that are commonly used by local communities. This may be an omission that must be rectified during the EIA process.</u></p> <p>Individual fauna and flora specialist reports have been prepared for each well site. This includes specific species listing and habitat description with a focus on endangered and protected species.</p> <p><u>A blatantly false statement is provided on page XV of the Technical Summary, which reads as follows. "The well locations Nos. D1-D6 and G1-G6, and, supporting infrastructures such as the new access roads to each of the proposed new well sites, the use of existing borrow pits and other associated services, and the AOI do not fall within an active catchment area of the Okavango River Basin linked to the Okavango Delta in Botswana." Figure 2.21 that is included on page 65 clearly shows that the REN area of activity falls wholly within the catchment area</u></p>

NAME ORGANISATION	COMMENTS/ RESPONSES IN RED
	<p>of the Okavango River. The EAP has therefore, once again, shown inconsistency and blatant fabrications in the dSR. It is also interesting to note that the false statement is included in the Technical Summary, which is a limited section of the report that most people will read, thereby providing a false narrative.</p> <p><u>This fabrication of the truth is followed up on page 63 with a comment that clearly illustrates the poor understanding of hydrology of the EAP. "The proposed well locations around AOI are not situated in the active catchment areas but in fossilised channels of the Omatako-Omuramba Ephemeral rivers which has not contributed to runoff to the Okavango for over 50 years" Flood events with return periods of 1:50 and 1:100 years are not unusual and are commonly applied to engineering projects adjacent to drainage features. The very limited temporal concept demonstrated by the EAP is disturbing as it shows a severe lack of understanding of potential future impacts due to the current oil and gas exploration activities. The frequency of flood events in the Omatako Omuramba is irrelevant, as accumulated organic and inorganic compounds within the catchment area will ultimately migrate into the Okavango River and ultimately into the Okavango Delta, albeit 260km from the AOI.</u></p> <p>The AOI is situated in an area that is not an active catchment area of the Okavango River Basin. As indicated in the report the Omatako-Omuramba has not contributed to runoff to the Okavango River for over 50 years. This does not mean however that that the AOI is not part of the Okavango River Basin as clearly depicted in Figure 2.21.</p> <p>The AOI is situated in an area that is not an active catchment area of the Okavango River Basin. As indicated in the report the Omatako-Omuramba has not contributed to runoff to the Okavango River for over 50 years. This does not mean however that that the AOI is not part of the Okavango River Basin as clearly depicted in Figure 2.21.</p> <p><u>Included below are comments received from Dr S. Esterhuysen, a geohydrologist at Free State University. The second concern is the effect that contamination in the Omatako river might have on the Okavango river system. Even though the Omatako river system is ephemeral, it does contribute water to the Okavango river during large episodic rainfall events. Contaminants might be mobilized and transported to the Okavango river during large rainfall events.</u></p> <p><u>It is apparent from the dSR that the geohydrology is poorly understood and poorly researched. Comments such as "...groundwater flow is quite complex and is not as simple as just water flowing following the general topography", "...significant variation in results, which requires proper research to make sense of actual recharge." and "...no formal abstraction records are kept by farmers, which makes the calculation of water abstraction by farmers impossible." Appear extensively throughout the report Included below, once again are comments received from Dr Esterhuysen, that are applicable. Because of the limited knowledge, the EU currently funds an OKACOM project entitled 'Programme for Transboundary Water Management in the Cubango – Okavango River Basin'. The project aims to address the lack of available transboundary funding for water resources management and land management, two of the main aspects that will be affected by oil and gas exploration and development. The water resources aspect of the study would focus on developing a basin-wide hydrological and meteorological monitoring system to determine surface water resource yields and groundwater recharge and to strengthen drought and flood event predictions. OKACOM facilitates the development of the Basin wide Environmental Monitoring Framework for the Cubango-Okavango River Basin (CORB) for this project, which will subsequently guide and inform monitoring projects and programmes within the basin. It held the Inception Workshop for the Groundwater Assessment of the CORB in March 2020 in Gaborone, Botswana. At this meeting, the OKACOM Executive Secretary again noted the lack of knowledge on the groundwater resources in the basin. The study will inform the development of a groundwater monitoring framework to determine the status of groundwater resources, by focusing on the current and</u></p>

NAME ORGANISATION	COMMENTS/ RESPONSES IN RED
	<p><u>future groundwater use in the CORB, and will further inform the basin-wide conjunctive water utilization. Ideally, these studies should be finalized and a water resources baseline monitoring system for the Kavango basin should be in place before allowing oil and gas exploration so that these studies could guide the licensing (and possible regulatory development) of oil and gas exploration and extraction. Considering the importance that access to clean water is to the rural communities of Namibia it is irresponsible of the applicant to proceed with the highly invasive and potentially polluting activities prior to appropriate research and understanding of the water cycle in East and West Kavango. Without a comprehensive understanding of the system it is not possible for the EAP to state that there will be no risk to the surface and groundwater systems. Any statement to this effect will be mere speculation.</u></p> <p><u>No baseline survey of groundwater quality, water yields, recovery times and extraction rates of boreholes is included in the dSR It is anticipated at the very least that the results of a wide and comprehensive baseline and water monitoring survey will be included in the EIA report. In the words of Dr Esterhuysen: We also do not know the scale of surface-water groundwater interaction within the wider Okavango basin, which would influence contaminant movement from the surface water to the groundwater and the other way around. In addition, the Okavango delta is the terminal sink of the large Okavango River and captures contaminants over time. This is seen from the increase in salinity of the shallow alluvial aquifers along the fringes of the delta because of the weathering of rock formations that contribute salts to the river systems that feed the delta. Organic pollutants that emanate from oil and gas extraction operations may become permanent long-term pollutants in the delta because the delta does not have an outlet to the sea. Lastly, the knowledge about the groundwater balance (recharge versus abstraction) in this basin, is also poor because of a lack of monitoring data for these aquifers. This makes it difficult to predict the long-term sustainable yield of an aquifer. Abstracting groundwater from the shallow aquifers in the future could cause competition with local groundwater users. And if water is abstracted from deeper fossil aquifers that are not significantly recharged, it could draw these deep aquifers dry. These are just some of the unknowns. There are many more. Because of all these unknowns, and because the Okavango basin is so sensitive and important to this region, a precautionary approach must be followed. Unfortunately, this does not seem to currently be the case. The results of the hydro-census as well as the water quality analyses have not been made public. It is therefore not possible to have the results verified independently or to communicate the complex data to communities that may be directly affected by the prevailing water quality. All data must also be included to enable independent analysis and interpretation of the results. Failing this minimum requirement, suspicion of REN's oil and gas activities will continue to linger in the minds of the public.</u></p> <p><u>It is clear that REN intends using a bentonite-based lining system in the reserve ponds. Despite numerous request that have been sent to REN, Risk Based Solutions and well as the Ministry of Environment Forestry and Tourism (MEFT) requesting more detailed information about the product that is proposed for use in the lining of the reserve ponds, no reply has been received. Appropriate questions that were posed in our communication and remain unanswered include the following;</u></p> <p><u>Can the name of the product as well as the name of the manufacturer of the product be provided? ii. Have the Namibian authorities provided REN with written acceptance of the use of the product and has it been approved by the Environmental Commissioner? If yes, will a copy of the approval be made available to FFN. iii. Was the product tested prior to application to ensure that it performs as required under ambient conditions and are test results available for perusal? iv. Can you explain the methodology of how the product was applied to the base and side walls of the containment pond? v. Has the product been tested to determine the infiltration rate into the subsoil with the drilling fluid and anticipated return fluids, and under what hydraulic conditions was it tested? vi. Does REN propose using the same product in the containment pond currently adjacent to the drilling sites currently under consideration, and would it be prepared to allow the process to be witnessed by</u></p>

NAME ORGANISATION	COMMENTS/ <b>RESPONSES IN RED</b>
	<p data-bbox="528 240 2157 296">FFN? Considering the poor public perception and trust of REN's activities in northern Namibia and in the interest of transparency it is necessitated that the information sought is made available in the EIA.</p> <p data-bbox="528 328 2157 711">Section 5 of the dSR on page 156 presents the proposed environmental risk assessment of likely impacts. The section goes onto providing tables 5.3, 5.4 and 5.5 which list the evaluation criteria for the magnitude, duration, and extent of impacts, respectively. A numerical 6-point grading scale has been included for magnitude, but the duration consists of a 2-point scale, reflecting that the impact is either permanent or temporary. The spatial extent of the impact is measure on a 5 point alphabetic grading scale. Likewise, on page 107, table 5.7 presents a 5-grade alphabetic evaluation scale for the probability of an event occurring. In table 5.8 on page 160 a receiving environment sensitivity rating scale, which is graded in 5 steps from negligible to very high. It is not explained how this final sensitivity scale is achieved, particularly when it is considered that different alpha-numeric values are used the determine the various input factors. There are no means by which the incongruent grading scales can be summarised into a coherent risk assessment that can be understood. The proposed grading of the social and environmental impact that the EAP intends to apply in the EIA constitutes a complete oversimplification of the means to evaluate the severity of environmental risk. For example, assuming an activity has been assessed to have a magnitude rating of tolerable effect and scores a value of 2. The same activity is however deemed to be permanent in duration and scored a P. Similarly, the geographical extent is of a regional extent, R. The probability of the impact occurring is medium and is assigned a D. How are these disparate alpha-numeric grades combined to assign an appropriate sensitivity rating?</p> <p data-bbox="528 743 2157 887">Furthermore, on page 160 an environmental impact matrix that vaguely resembles a Leopold Matrix is shown, which has been modified by the EAP. No indication is provided how the matrix will be compiled using the assessment criteria as discussed above. The indications are that commonly recognised environmental evaluation methods will not be applied to the EIA process and it is evident that an overly simplified, subjective, and customised evaluation method will be applied. This cannot be considered acceptable or adequate for a large and complex project of this nature that has potential international ramifications.</p> <p data-bbox="528 919 2157 1358">The EAP, as a representative of REN has included the following diatribe that appears on page 37 of the dSR. "However, the poverty situation and plight of the rural local communities that are supposed to be thriving within the boundary of KAZA TFCA is evident in all the KAZA countries including Kavango East, Kavango West and Zambezi Regions of Namibia. The high-value tourism benefits currently been derived by certain businesses in the name of KAZA TFCA are in the hands of international, regional, and historically privileged KAZA TFCA countries nationals of well-connected tourism related business operators and selected NGOs consultants and all working together in safeguarding their interests against the poor indigenous rural masses who genuinely deserves a sizeable piece of the high value tourism products of KAZA TFCA. It remains to be seen if or when such politically envisioned KAZA TFCA tourism benefits will ever make some positive socioeconomic impacts on the lives of the highly deprived rural communities who were meant to be the key beneficiaries of the KAZA TFCA political vision. The reality is, the KAZA TFCA tourism and all the related economic benefits have never reached and will probably never reach the rural communities in KAZA TFCA countries and Namibia included. Unless there is a serious regional political shift with respect to the broadening of the KAZA TFCA economic space, rural communities in KAZA TFCA countries will continue to swim in inherited generational poverty because those currently holding the keys to the economic gates of the KAZA TFCA tourism products will never want to genuinely share the economic benefits. Rural communities and their cultures and resources will merely only continue to be used as high-value tourism products for increased revenue and accumulated wealth to the selected few international, regional, and historically privileged nationals of well-connected tourism related business operators and selected NGOs consultants especially in Namibia." 12   Page No attempt has been made by the EAP to justify this attitude and it</p>

NAME ORGANISATION	COMMENTS/ RESPONSES IN RED
	<p>constitutes an unvalidated opinion. As the dSR has been issued for comment to stakeholders under the name of the applicant, namely Reconnaissance Energy Namibia (Pty) Ltd it must be assumed that the statement reflects company policy and attitude.</p> <p>It is a poor reflection on the EAP and REN that a poorly compiled report has been issued. The dSR is fraught with factual errors, grammatical errors, as well as typing and spelling errors. Clearly little respect is shown to the stakeholders who are subjected to a public document of this low standard. 7.2. The scale bars shown in figures 1.12 to 1.23 are shown in kilometres (km). It is assumed that this should be meters, however this cannot be verified. 7.3. Icons representing the water strike and saturation thickness used in figures 2.30 and 2.31 merge with the background and cannot be differentiated. Similarly, the contours and isopach's in figures 2.25 and 2.26 are illegible. This list is by no means complete but is included to illustrate the poor application of simple editing and spell-checking tools that are available. To the reader there appears to be a general lack of diligence applied to the compilation of the dSR.</p> <p>The information provided in the Draft Scoping Report is correct and reflects the status quo of the communities living within the Kavango East and West. Please also note that the EAP (Risk Based Solutions) is currently undertaking socio-economic data within the AOI which will feed directly into the report and final EIA and EMP. All specialist work is yet to be incorporated. The report we have issued is called a Draft Scoping and is currently being edited and a Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP.</p> <p>Reluctant comments are made in paragraph 1.3.3. on page 6 acknowledging that climate change is an issue that will be resolved over the next 20 to 30 years. The statement is fallacious and does not regard current best practice as advised by the IPCC Special Report 18 (IPCC 2018). This internationally respected report clearly spells out the urgent requirements by the international community to prevent a global average temperature increase of 1.50 C by 2030, i.e., 7 years from now. In essence the IPCC recommendations do not include the exploration and production of fossil fuel but do include dire warnings to reduce emissions. 8.2. Namibia is a signatory to the Paris Climate Agreement, which was ratified on 21st September 2016. No negative socioeconomic and environmental impacts that may accrue due to REN's intention to bring oil and gas production to Namibia are addressed in the draft Scoping Report (dSR) Omitting to draw attention to the significance of the IPCC (2018) warnings and recommendations to maintain global warming below 1.5o C, the EAP has neglected to address one of the primary environmental issues relating to the proposed petroleum exploration project. 8.3. The glaring irony of the observation in the dSR that were included in page 81 cannot escape comment.</p> <p>Thank you for your input, your comments will be considered in the final reports.</p> <p>"Diesel is difficult to access, since Rundu is the only centre, which sells diesel and inaccessible for many rural villages. Many communities prefer installations of solar driven pumps because of the low cost associated with these systems. In places where water has a high demand, higher pumping rates are required, and electricity and diesel are the preferred power sources." Similar advantages could be enjoyed by communities in their homes, villages, and towns by employing renewable energy. FFN strongly argues in favour of transitioning to clean and economic, solar and wind generated energy and curtailing the further use of fossil fuels, on a regional, national and international scale.</p> <p>Neither the EAP (Risk Based Solutions) nor Proponent (REN) have advocated for use of diesel over renewable energy, hence solar pumps are preferred. It will be interesting though for your organisation to install at least one of those renewable generated energy for pumps to demonstrate its effectiveness in these rural areas.</p>

NAME ORGANISATION	COMMENTS/ <b>RESPONSES IN RED</b>
	<p><u>As demonstrated, the current dSR is fatally flawed and for this reason Frack Free Namibia have no hesitation in demanding the report must be revoked. 8.2. All petroleum exploration activities in East and West Kavango, Namibia, must be halted with immediate effect. 8.3. A moratorium on all stages of the exploration must be implemented until the conclusion of a transboundary Strategic Environmental Assessment that includes the potential cumulative impacts of oil and gas activities within the PEL 73 exploration area and beyond are conducted.</u></p> <p>Thank you for providing the editing support. However, the report we have issued is called a Draft Scoping and is currently being edited and a Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP.</p>
Kileni Fernando	<p><u>The Environmental Assessment Practitioner (EAP) failed to comply with Regulation 6(a) in two instances. The first is that the EAP failed to identify potential interested and affected parties as there are San villages in the Kavango East and West who were not informed or consulted about the project. Secondly, during the public consultation, the EAP failed to inform the communities present at the consultation of the adverse impacts of the project upon request, and instead resorted to informing the communities about job opportunities which are yet to materialise. Susie Brownlie, an acclaimed environmental scientist, described in her expert report that one of the definite harms from the activities include additional pressures and adverse impacts that the influx of drilling teams and those entering the area seeking employment, place on the local communities and ecosystems. The communities therefore will not receive economic benefits and instead will experience economic disadvantage. In Namibia we have seen that infrastructure and development projects also introduce other social disadvantages such as sexual assaults, teenage pregnancies, alcohol and drug abuse and crime.</u></p> <p>Public consultation is still ongoing, all communities/villages located in the proposed drill sites will be consulted.</p> <p>The environmental assessment process assesses the overall severity of potential positive and negative socio economic and environmental impacts on the receiving local (drill sites), regional (Kavango East and West Regions), national (Namibia) and transboundary (KAZA TFCA) and global environment as provided for in the Draft Scoping Report. A detailed socio-economic study is being undertaken as part of baseline information in order to better understand and plan.</p> <p><u>There are many people, particularly those who will be impacted by the project, who do not have access to the resources and expertise required to access, consider and comment on the records and meetings relating to the project. Affected community members are expected to submit a request by email to the EAP to receive the project documentation such as the Basic Scoping Report. However, many Community members, do not have access to equipment such as a smartphone or computer that enables them to send an email or if they do have access, they do not necessarily have data or network to perform such a request. Further, communities received notice of a public meeting a day before the meeting took place. In order to ensure access to a reasonable, adequate and fair public participation process, the project's proponents should have used reasonable alternative methods to provide affected communities with information about the project in advance allowing them to properly prepare and participate. The EAP's failure to do so, in this instance, rendered the public participation process a tick-box exercise as opposed to a meaningful consultation process.</u></p>

NAME ORGANISATION	COMMENTS/ RESPONSES IN RED
	<p data-bbox="528 240 2047 296"> <u>Could you kindly advise how else the dissemination of information could have been done?</u>  <u>As already indicated the public consultation is ongoing and radio announcements is seen as an alternative to reach communities.</u> </p> <p data-bbox="528 328 2159 504"> <u>Namibia's cultural and natural heritage including, its biological diversity, must be protected and respected for the benefit of present and future generations<sup>2</sup>. The site of the project is located in an area where cultural and spiritual practices are observed. There are specific sites in the located area where specific rites of passage are performed, such as the initiation of young women. Communities will be prevented and will no longer be able to perform these cultural and spiritual practices which will lead to the loss of traditional knowledge. Traditional knowledge on aspects such as resource stewardship held by elders will no longer be shared with youth and as a result, a loss of cultural identity will ensue.</u> </p> <p data-bbox="528 536 2159 592"> <u>Thank you for your input. A detailed cultural and heritage specialist is being undertaken and will ensure to include the observations as stated above.</u> </p> <p data-bbox="528 624 2159 1007"> <u>As Susie Brownlie described in her expert review of the previous EIA and EMP for stratigraphic wells (Appendix I), appraisal wells designed with the goal of bringing up oil for testing, such as those proposed in this project, present serious risks to the local ecosystem. Drilling into formations in which pressure formations are unknown is a common source of well blowouts, in which significant quantities of oil could spill into the ecosystem, contaminating surface water, soil, and groundwater where the surface and groundwater are closely connected. This will lead to infertile land which will result in poverty and hunger as communities will no longer be able to use the land for subsistence. Even without a catastrophic well blowout, however, appraisal well drilling and well testing processes present risks of drilling mud spills, explosions, and leaks of both harmful chemicals used in the drilling process, and toxic produced water that comes back up the well in the drilling process. Given the elevated risks to local ecosystems and the soils and water upon which people in the project area depend, it becomes yet more imperative that all people potentially affected by these risks receive clear information about these risks and that they have the opportunity to participate in the decision about whether the project should move forward. This view is supported by environmental management principles which provide that 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. The principles further state that community involvement in natural resource management and the sharing of benefits arising from the use of the resources, must be promoted and facilitated.</u> </p> <p data-bbox="528 1062 819 1094"> <u>Thank you for your input.</u> </p> <p data-bbox="528 1126 2159 1366"> <u>Well testing is often a very greenhouse gas intensive process, as all gas that is produced, either as the core product coming from the formation, or as a by-product of oil production, is flared during the process, releasing CO<sub>2</sub>. Whatever gas is not flared is typically vented as methane, a highly potent greenhouse gas. Moreover, beyond the testing stage, the risk of wells moving into the production stage and leading to the burning of more fossil fuels is one that life on this planet, and more specifically the people of this region, already hard hit by climate change's impacts, cannot sustain. As Brownlie explains in her comments, assessment of an oil and gas exploration project such as this must include a comprehensive analysis of the project's impacts on climate change, including the likely impacts from future production – the ultimate goal of the project<sup>4</sup>. In addition, it must explain how climate change is likely to influence the project, and how the project's presence might exacerbate local climate change impacts.</u> </p>

NAME ORGANISATION	COMMENTS/ RESPONSES IN RED
	<p>Thank you for your input, your comments will be considered in the final EIA and EMP</p> <p><u>Well pads and their access roads require vegetation clearing on and around the road and pad. Any pipelines that are built as part of the project or into the future development of the wells within the project area will also require vegetation clearing. As Brownlie explains, this clearing, in combination with the added traffic on roads, including large trucks, the noise of well drilling and pumping operations, and bright lights and flares operating through the night, can be very destructive for animals, driving them from the area and reducing their fitness as a result<sup>5</sup>. Endangered elephants, known to migrate through the project area, are particularly susceptible to being turned off by these human disturbances. Any effects on the elephant population in the region could be a great loss for the tourism industry of the area.</u></p> <p>It is important to note that Namibian legislation is explicit on the difference between exploration and production phase of a given project. Therefore, there is a requirement for separate Environmental Impact Assessments for the two phases. This includes footprint for each phase and positive and negative impacts inclusive of mitigation measures. Therefore, the comments on oil production and possible footprint/impacts are not part of this exploration EIA.</p> <p><u>Grounds on which the application should be denied has been set out above. Insofar as public participation is concerned, the EAP has not engaged meaningfully with all impacted communities. Additionally, the impact on cultural practises as well as the environment will result in irreparable harm and will disadvantage the surrounding communities.</u></p> <p>Thank you for your submission, however, the report we have issued is called a Draft Scoping and is currently being edited and a Final Draft Report will be issued leading to a Final Scoping Report to be issued with the Draft EIA and Draft EMP. The draft scoping report is provided to stakeholders to comment on, input, and recommend as required by the EMA and associated EIA regulations and guidelines. Specialist input and other associated studies will be included in the final draft reports.</p>
Leon Van der Merwe	<p><u>Since National Geographic began reporting last year on environmental and community concerns about ReconAfrica's oil exploration near the Okavango Delta, a UNESCO World Heritage site, opposition to the project has grown in Namibia and beyond.</u></p> <p><u>New evidence, including aerial photographs taken in September 2021, points to ReconAfrica having drilled in the conservancy without proper permissions.</u></p> <p><u>In a statement emailed to National Geographic, the company wrote, "ReconAfrica categorically denies that it engaged in any wrongdoing."</u></p> <p><u>"The Company's commitment to ethics and business conduct are based on the highest standards of corporate governance, respect, integrity, and responsibility," ReconAfrica wrote. The company did not provide answers to a detailed list of questions emailed by National Geographic.</u></p> <p><u>Meanwhile, a whistleblower who is a global securities expert filed a complaint on May 5 with the U.S. Securities and Exchange Commission (SEC), accusing ReconAfrica of misleading regulators and investors about its work. The confidential complaint, which is based on public records, prompted two U.S. members of Congress to call for an investigation by the Department of Justice and the SEC. (The agencies would</u></p>



NAME ORGANISATION	COMMENTS/ RESPONSES IN RED
	<p><u>not confirm an investigation into ReconAfrica's activities.) Recently, a class action lawsuit was also filed against ReconAfrica executives and associates, alleging violations of federal securities laws.</u></p> <p><u>Celebrity environmentalists are speaking out. Leonardo DiCaprio, Forest Whitaker, and Ellen DeGeneres are among those who signed an open letter written by the environmental nonprofit Re:wild calling for a moratorium on ReconAfrica's drilling. Prince Harry, meanwhile, published an opinion piece in the Washington Post with Namibian scientist and activist Reinhold Mangundu about threats to the region posed by ReconAfrica's operations.</u></p> <p><u>ReconAfrica obtained licenses in 2015 and 2020 to explore for oil and gas across more than 13,200 square miles in the ecologically sensitive, wildlife-rich Okavango Delta watershed in Namibia and Botswana. UNESCO recognizes the delta, a 7,000-square-mile oasis, as a natural landscape with "outstanding value to humanity." It's home to endangered animals, including wild dogs, white-backed vultures, black rhinos, and Africa's largest remaining herd of savanna elephants.</u></p> <p><u>The company's exploration licenses cover a significant part of the sprawling Kavango-Zambezi Transfrontier Conservation Area (KAZA), established by five countries in southern Africa, in part to safeguard the headwaters of the region's great rivers, including the Okavango.</u></p> <p><u>ReconAfrica's Namibia license is valid until January 29, 2023, and the company has said it will drill multiple wells in 2022. Test drilling so far has taken place roughly 160 miles upstream of the delta.</u></p> <p><u>Critics describe ReconAfrica as adopting an act-first-ask-later approach: clearing land and conducting test drilling before securing land-use permits and local permissions, and using water and disposing of it before receiving water permits</u></p> <p><u>Recently, a class action lawsuit was also filed against ReconAfrica executives and associates, alleging violations of federal securities laws.</u></p> <p><u>Celebrity environmentalists are speaking out. Leonardo DiCaprio, Forest Whitaker, and Ellen DeGeneres are among those who signed an open letter written by the environmental nonprofit Re:wild calling for a moratorium on ReconAfrica's drilling. Prince Harry, meanwhile, published an opinion piece in the Washington Post with Namibian scientist and activist Reinhold Mangundu about threats to the region posed by ReconAfrica's operations.</u></p> <p><u>ReconAfrica obtained licenses in 2015 and 2020 to explore for oil and gas across more than 13,200 square miles in the ecologically sensitive, wildlife-rich Okavango Delta watershed in Namibia and Botswana. UNESCO recognizes the delta, a 7,000-square-mile oasis, as a natural landscape with "outstanding value to humanity." It's home to endangered animals, including wild dogs, white-backed vultures, black rhinos, and Africa's largest remaining herd of savanna elephants.</u></p> <p><u>The company's exploration licenses cover a significant part of the sprawling Kavango-Zambezi Transfrontier Conservation Area (KAZA), established by five countries in southern Africa, in part to safeguard the headwaters of the region's great rivers, including the Okavango.</u></p> <p><u>ReconAfrica's Namibia license is valid until January 29, 2023, and the company has said it will drill multiple wells in 2022. Test drilling so far has taken place roughly 160 miles upstream of the delta.</u></p>

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	<p><u>Critics describe ReconAfrica as adopting an act-first-ask-later approach: clearing land and conducting test drilling before securing land-use permits and local permissions, and using water and disposing of it before receiving water permits.</u></p> <p>"</p> <p><u>Why would you even think of plundering the heritage site even further - is it pure greed? Remember that this earth was borrowed to us by our children - why plunder it for corporate profits and shareholder smiles?</u></p> <p><u>I, personally totally reject any existing and future drilling and fracking.</u></p> <p>Thank you for input, the information provided is irrelevant to the application for ECC for the proposed exploration and appraisal and contains information from non-experts who have never set foot in the Kavango East and West Regions.</p>
Rinaani Musutua Economic Social Just Trust	<u>No Inputs/Comments/ Objections Submitted</u>
Laurel Neme, PhD, Contributor, National Ge ographic	No Inputs/Comments/ Objections Submitted
Dr Chris Brown, NCE	No Inputs/Comments/ Objections Submitted
Marie-Louise Kellett	No Inputs/Comments/ Objections Submitted
Coleen Mannheimer	No Inputs/Comments/ Objections Submitted
Peter Watson	No Inputs/Comments/ Objections Submitted
Jeffrey Barbee	No Inputs/Comments/ Objections Submitted
Timo Shihepo	No Inputs/Comments/ Objections Submitted

**PHASE 2 COMMUNITY AND STAKEHOLDERS DRAFT EIA AND  
EMP CONSULTATION MINUTES, PROOFS OF COMMUNICATIONS  
STAKEHOLDERS SUBMISSIONS AND RESPONSES ON THE  
PROPOSED EXPLORATION AND APPRAISAL WELLS IN  
PETROLEUM EXPLORATION LICENSE (PEL) NO. 73, KAVANGO  
SEDIMENTARY BASIN (KSB) IN KAVANGO WEST AND EAST  
REGIONS, NORTHERN NAMIBIA.**

**FEBRUARY 2023**

# CONTENTS

<b>1. Purpose of the Document</b> .....	3
<b>2. Summary of Consultations</b> .....	3
<b>3. Consultation Meetings and Key Issues Addressed</b> .....	4
<b>4. Consultation Meetings and Key Issues Addressed</b> .....	1
<b>5. Minutes of Meetings</b> .....	3
5.1. Hamweyi Village.....	3
5.2. Mbeyo Community Forest.....	9
5.3. Ncamagoro Community Forest .....	16
5.4. Kavango East Regional Meeting .....	23
<b>6. Comments and Responses to Feb 2023 Registered Stakeholder</b> .....	32
<b>7. Proof of Stakeholders Communications</b> .....	90
7.1. Registered Stakeholders .....	90
7.2. Proof of Communications to Registered Stakeholders .....	91
7.3. Proof of Communications to Land Owners .....	92
<b>8. Overall Draft Scoping Registered Stakeholder</b> .....	94
<b>Appendix 1 – Draft EIA and EMP Submissions by Frack Free Namibia</b> .....	96
<b>Appendix 2 – Draft EIA and EMP Submissions Legal Assistance Centre</b> .....	96
<b>Appendix 3 – Draft EIA and EMP Submissions by Andy Gheorghiu</b> .....	97
<b>Appendix 4 – Draft EIA and EMP Submissions by Natural Justice</b> .....	99
<b>Appendix 5 - Draft EIA and EMP Submissions by Rob Parker</b> .....	100

## 1. Purpose of the Document

This document provides documentary proof of the 2<sup>nd</sup> Phase of consultations activities undertaken in compliances with the provisions of the Environmental Management Act, 2007, (Act No. 7 of 2007) and EIA Regulations, 2012. The document provided proof of the copies of the adverts published in the local newspapers, consultation minutes, proofs of stakeholder communications, registered stakeholders submissions and Environmental Assessment Practitioners (EAPs) responses with respect to the Draft EIA and EMP Reports for the proposed drilling of the exploration and appraisal wells No. D1-D6 and G1 -G6 consultation activities that have been undertaken during the months of January and February 2023.

The Stakeholder engagements covered the stakeholders' groups comprising the following:

1. Local communities and targeting local villages near to the proposed well locations.
2. Landowners for all the well locations falling within the commercial farmland on communal land, and community forests.
3. Traditional Authorities.
4. Associations and related bodies, and.
5. General public.

## 2. Summary of Consultations

No	Date	Stakeholder Holder Group	Well location/ Farm number
1.	6 <sup>th</sup> - 27 <sup>th</sup> February 2023	Public and registered stakeholder countrywide.	D1-D6 and G1 -G6
2.	20/02/2023	Hamweyi Village	G1
3.	22/02/2023	Ncomagoro community and forest committee	D2
4.	23/02/2023	Mbeyo community forest committee	D1
5.	24/02/2023	Kavango East Regional council, Governor, Hon. Councillors, and related stakeholders	D1-D6 and G1 -G6
6.	07/02/2023 – 27/02/2023	Registered Stakeholders	D1-D6 and G1 -G6

### 3. Consultation Meetings and Key Issues Addressed

During the month November February, half page public notices were published in the following local newspapers (Figs. 1-4):

- ❖ New Era Daily English Newspaper dated Monday, 6<sup>th</sup> February, 2023.
- ❖ Market Watch Insert in Allgemeine Zeitung (Namibia German) Daily Newspaper dated 16<sup>th</sup> February 2023.
- ❖ Market Watch Insert in Namibian Sun (English) Daily Newspaper dated Thursday, 16<sup>th</sup> February 2023, and.
- ❖ Market Watch Insert in Republikein (Afrikaans Newspaper) Daily Newspaper dated 16<sup>th</sup> February 2023.

The deadline for submission of inputs, comments or objections to the Draft EIA and EMP Reports that were issued for consultations was Monday, 27<sup>th</sup> February 2023 (Figs. 1-4).

A Stakeholder Register that was opened on the 24<sup>th</sup> November 2022 was updated during the month of February 2023 and to date a total of 281 stakeholders have been registered with respect to the application for ECC for the proposed D1-D6 and G1-G6 exploration and appraisal wells drilling operations in PEL 73.

Five (5) registered stakeholders submitted comments, inputs and objections to the Draft EIA and EMP Reports (Annexes -1-5). The EPA's responses to the inputs, comments or objections submitted by the registered stakeholders with respect to the Draft EIA and EMP Reports are provided in Annexes 1-5.

Key and relevant inputs to the EIA and EMP process provided by the registered stakeholders have been integrated in the Final EIA and EMP Reports.

# From presidential palace to KFC: Bolsonaro's peculiar exile in US

DORAL. - He used to preside over Latin America's largest country and its 214 million people. Now Brazil's former far-right leader lives in a small Florida town and eats alone in a fast-food restaurant.

Bolsonaro, 67, has found an unusual refuge in the United States, where he arrived in late December, several days before his supporters stormed government buildings in Brasilia in an attempt to overturn the election victory of his rival, leftist Luiz Inacio Lula da Silva.

At home, Bolsonaro is being investigated over his alleged involvement in the unrest, which he denies.

From the lavish presidential palace, Bolsonaro, a political soulmate of former US president Donald Trump, went on to live in a small community of nearly

identical houses near the Disney World resort.

In his first six weeks in the United States, Bolsonaro has kept a low profile, staying at the Orlando home of Brazilian former martial arts champion Jose Aldo, making a trip to a local supermarket and being photographed eating fried chicken alone at a KFC fast-food restaurant.

On Friday, the man who until recently commanded huge crowds in his home country, spoke to some 400 supporters during an event organized by the American conservative organization Turning Point USA at the Trump National hotel in the city of Doral, near Miami.

It was unclear if Trump himself played any part in organizing the event.

The meeting had the vibe of an election rally. Bolsonaro spoke passionately about fulfilling his duties to his country -- except that the man dubbed the 'Trump of the Tropics' was in Florida, several thousand miles (kilometers) away from his homeland.

"There is no greater satisfaction than that of having fulfilled a duty," Bolsonaro said of his presidency. He spoke before an audience dressed in elegant suits and dresses as well as the yellow-and-green shirts of the Brazilian soccer team.

Three days earlier, Bolsonaro spoke in the ballroom of a shopping mall restaurant in Orlando at an event put together by the Brazilian expatriate community in Florida.

Bolsonaro, who had repeatedly cast doubt on Lula's narrow victory in an October 30 runoff, again

questioned his election loss, calling himself "more popular than ever." "Many people are still shaken by what happened in the elections.... But we will face this moment and, God willing, we will win together," he said.

But Bolsonaro added that he regretted "what some inconsistent people did" during the unrest.

The crowd was welcoming at both Florida events, with supporters hugging and taking selfies with him and cheering him on.

Bolsonaro faces an uncertain future.

After publicly declaring his intention to return to Brazil at the end of January, Bolsonaro earlier this week applied for a new visa to be able to stay in the United States for six more months.

And one of his sons, Senator Flavio Bolsonaro, suggested last week that the former president had no return date.

"It may be tomorrow, or six months from now, or he may never come back," he told reporters.

On Tuesday, at the Orlando restaurant, Bolsonaro nevertheless promised to "remain active in Brazilian politics." He didn't elaborate.

Now it remains to be seen whether Bolsonaro maintains a low profile or whether he tries to boost his standing in the United States.

"I've always been a huge admirer of the American people their liberties, their patriotism and their love of the flag," he told the gathering Friday.

- Nampa/AFP



Tragic... In addition to seven deaths, two other Haitians have been hospitalised with pneumonia since Thursday, one of them in critical condition.

Photo: Jamaica Observer

## 7 Haitians have died this year while waiting to leave Peru

LIMA - Seven Haitian migrants have died this year in the Andean highlands of Peru as their efforts to cross into Bolivia have been stymied by protests against the Lima government, the UN refugee agency said Saturday.

Six of the deaths, including that of a minor, occurred in the small town of Desaguadero, where a bridge over a river of the same name links Peru and Bolivia, Iris Bano Romero, a UN refugee agency spokeswoman in Peru, told AFP.

The other death, she said, occurred in the town of Juli, also near the Bolivian border.

The Haitians fell victim to a combination of factors: difficult access to food, shelter and supplies, and temperatures -- at an altitude of 3 800 meters - sometimes near freezing.

In addition to the deaths, two other people have been hospitalized with pneumonia since Thursday, one of them in critical condition, Bano Romero said.

She said the deaths and illnesses occurred despite the "very generous" efforts of locals to help.

The Haitians, some of whom had passed years in Chile or Brazil, were hoping to eventually reach the United States, Bano Romero said.

Blockades erected amid the political crisis in Peru have made life difficult for both locals and migrants, making it hard to obtain basics like food and fuel, or to pay for rent and other services, the UN official said.

The blockades on Desaguadero's international bridge are among several around the country erected to protest the government of President Dina Boluarte.

She succeeded Pedro Castillo as president after he was ousted from office and arrested on 7 December after attempting to dissolve Congress and govern by decree.

- Nampa/AFP

# Attracting foreign doctors key to fixing Australian health system

CANBERRA - Australian Health Minister Mark Butler has identified attracting more foreign doctors as key to fixing the country's health system.

The minister said yesterday that a review into general practice (GP) should investigate ways to attract more foreign health workers to Australia and have their existing qualification recognised.

Federal, state and territory leaders agreed on Friday to the review of GP before they address widespread problems in the health system later this year.

A separate report on Medicare, Australia's universal health care system, made recommendations to improve the accessibility and affordability of health care.

Butler, who has said Medicare is in the worst condition in its 40-year history, believed attracting more GPs would relieve pressure on the whole system.



Welcome... Australian health minister Mark Butler said attracting foreign doctors is the key to fixing the country's health system. Photo: Xinhua

"It's about going overseas and recruiting as an Australian healthcare system doctors and nurses and other healthcare

professionals to come to Australia," he told Sky News Australia.

"I think the premiers and chief ministers recognised that last week, they're seeing the pressure on their hospital systems because of the problems in general practice. If we don't turn that around, then the whole of our healthcare system is going to be under enormous pressure."

Additionally, the government has flagged giving pharmacists the ability to prescribe medications for common conditions rather than requiring a GP visit.

According to the Pharmacy Guild of Australia (PGA), the measure would circumvent 6.5 million GP visits every year.

Butler said it "doesn't make sense" to have health workers not working to the full extent of their training.

- Nampa/Xinhua

**PUBLIC AND STAKEHOLDERS NOTICE ON THE ISSUE OF THE DRAFT EIA AND EMP REPORTS FOR REN ECC APPLICATION**

**REN** *Disclosure of the Draft EIA and EMP Reports to Support the Application for Environmental Clearance Certificate (ECC) by Reconnaissance Energy Namibia (REN) (Pty) Ltd, (the "Proponent") for Drilling of Multiple Exploration and Appraisal Wells with Supporting Infrastructures such as Dorrway Pits, Access Roads, and Related Services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango West and West Regions*

**RECONNAISSANCE ENERGY NAMIBIA (REN) (PTY) LTD**, the Proponent, holds petroleum exploration and appraisal rights under the Petroleum Exploration License (PEL) No. 73 covering parts of the Deersburg, Kunene Basins Nos. 1619, 1620, 1621, 1719, 1720, and 1721 in the Kavango Sedimentary Basin (KSB), Kavango West and West Regions, northern Namibia.

As part of the progressive processes of de-risking the KSB, REN is proposing to drill the prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 (designated to confirm the existence of economic oil and/or gas resources with the delineated targets) projects and leads process based on an additional 2D seismic survey data acquisition and interpretation, airborne geophysical surveys and the stratigraphic well data sets.

The drilling of the proposed prioritised exploration and appraisal wells, cannot be undertaken without an Environmental Clearance Certificate (ECC) as required by the Environmental Protection Class 11 of the Petroleum Agreement, Petroleum (Exploration and Production), 1991, (Act No. 2 of 1991), Petroleum Laws Amendment Act, 1996, (Act 24 of 1996), Environmental Management Act, 2007, (Act No. 7 of 2007) and the Environmental Impact Assessment (EIA) Regulations, 30 of 2012.

In fulfilment of the environmental requirements, the Proponent has appointed Risk-Based Solutions (RBS) CC as the environmental (permitting) consulting firm, led by Dr. Sandra Mulya and supported by Mr. Emetsi Mulya and Mr. Samson Mulya as the Environmental Assessment Practitioners (EAPs) to prepare the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) Reports to support the application for ECC. The Draft EIA and EMP Reports have been prepared and are available for comments by the registered stakeholders or upon registration as a stakeholder. Registered stakeholders will receive a link for accessing the reports.

Note: In terms of the provisions of the EIA Regulation 23 (1), an interested and/or affected party is required to disclose any direct business, financial, personal, or other interest which that party may have in the approval or refusal of the ECC application, and such disclosure will be required when registering as a stakeholder and submitting of inputs.

**SUBMIT YOUR REVIEW INPUTS / COMMENTS TO:**  
 Ms Emerita Ashipala or Mr. Samson Mulya (EAPs/ Risk-Based Solutions Independent Senior Technical Consultants),  
 Emails: [emera.ashipala@rbs.com](mailto:emera.ashipala@rbs.com) or [samson@rbs.com](mailto:samson@rbs.com)

For specific technical clarifications on onshore oil and gas exploration and the environment please contact:  
 Dr. Sandra Mulya (EAP/ Technical Permitting Advisor / International Resources Coordinator), Email: [ren@rbs.com](mailto:ren@rbs.com)

**Deadline for Submitting Comments / Inputs is: Monday, 27th February 2023**  
 In addition to the on-site ongoing disclosures, additional local community and stakeholder consultation meetings, will be organised in local communities, Rundu, Kavango East Region and Huabara, Kavango West Region in February 2023

**Risk-Based Solutions (RBS) CC** Global Office: [www.rbs.com.na](http://www.rbs.com.na)

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 First Ltd. ©. Scholten Street, P.O. Box 7900, Swakopmund - Namibia. Tel: +264-61-309666 / 226760 / 226868.

Figure 1: Copy of the 1st Draft EIA and EMP Reports Public Notice that was published in the New Era English daily newspaper dated Monday, 6th February, 2023.

# Governance | gubvoneans |

**noun**

system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account.

## NEW BOARD OF DIRECTORS

In line with the provisions of the Public Enterprises Governance Act, Act 1 of 2019, and following subsequent endorsement by the Cabinet, the Minister of Higher Education, Technology and Innovation, Dr. Itah Kandji-Murang'i appointed a new Board of Directors to oversee the work of the Namibia Training Authority. The Board's three-year term came into effect on 23 January 2023.

The NTA welcomes the appointments. We look forward to the Board of Directors solidifying our growing reputation as a leader in ethical corporate conduct and in further advancing the Technical and Vocational Education and Training (TVET) sector.



**Mr. Jerome Mutumba**  
Deputy Chairperson



**Ms. Esther Hoveka**  
Deputy Chairperson



**Mr. Edward Kafita**



**Ms. Eva Tomas**



**Mr. Cliff Olivier**



**Ms. Elizabeth Kamutuezu**



**Mr. Tangeni Nghiwewelekwa**

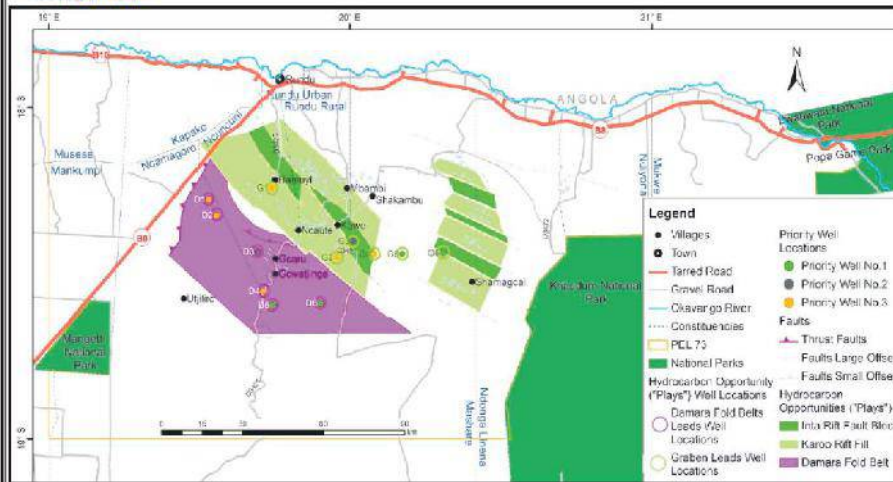
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NAMIBIA TRAINING AUTHORITY

## PUBLIC AND STAKEHOLDERS NOTICE ON THE ISSUE OF THE DRAFT EIA AND EMP REPORTS FOR REN ECC APPLICATION

**REN** *Disclosure of the Draft EIA and EMP Reports to Support the Application for Environmental Clearance Certificate (ECC) by Reconnaissance Energy Namibia (REN) (Pty) Ltd. (the "Proponent") for Drilling of Multiple Exploration and Appraisal Wells with Supporting Infrastructures such as Borrow Pits, Access Roads, and Related Services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions*



**RECONNAISSANCE ENERGY NAMIBIA (REN) (Pty) Ltd.**, the Proponent, holds petroleum exploration rights under the Petroleum Exploration License (PEL) No. 73 covering parts of the Degree Square Blocks Nos. 1819, 1820, 1821, 1719, 1720, and 1721 in the Kavango Sedimentary Basin (KSB), Kavango West and East Regions, northern Namibia.

As part of the progressive processes of de-risking the KSB, REN is proposing to drill the prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 designed to confirm the existence of economic oil and / or gas resources with the delineated targets / prospects and leads process based on additional 2D seismic survey data acquisition and interpretation, airborne geophysical surveys and the stratigraphic well data sets.

The drilling of the proposed prioritised exploration and appraisal wells, cannot be undertaken without an Environmental Clearance Certificate (ECC) as required by the Environmental Protection Clause 11 of the Petroleum Agreement, Petroleum (Exploration and Production), 1991, (Act No. 2 of 1991), Petroleum Laws Amendment Act, 1996, (Act 24 of 1996), Environmental Management Act, 2007, (Act No. 7 of 2007) and the Environmental Impact Assessment (EIA) Regulations, 30 of 2012.

In fulfilment of the environmental requirements, the Proponent has appointed Risk Based Solutions (RBS) CC as the environmental / permitting de-risking Consultant, led by Dr Sindila Mwiya and supported by Ms Frenita Ashipala and Mr Samison Mulonga as the Environmental Assessment Practitioners (EAPs) to prepare the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) Reports to support the application for ECC. The Draft EIA and EMP Reports have been prepared and are available for comments by the registered stakeholders or upon registration as a stakeholder. Registered stakeholders will receive a link for accessing the reports.

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### SUBMIT YOUR REVIEW INPUTS / COMMENTS TO:

Ms Emerita Ashipala or Mr Samison Mulonga (EAPs/ Risk-Based Solutions Independent Senior Technical Consultants),  
Emails: [emerita.ashipala@gmail.com](mailto:emerita.ashipala@gmail.com) or [mulongas@gmail.com](mailto:mulongas@gmail.com)

For specific technical clarifications on onshore oil and gas exploration and the environment please contact:  
Dr Sindila Mwiya EAP / Technical Permitting Advisor / International Resources Consultant. Email: [frontdesk@rbs.com.na](mailto:frontdesk@rbs.com.na)

**Deadline for Submitting Comments / Inputs Is: Monday, 27<sup>th</sup> February 2023**

In addition to the current ongoing disclosures, additional local community and stakeholder consultation meetings, will be organised in local communities, Rundu, Kavango East Region and Nkurenkuru, Kavango West Region in February 2023



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Your Technical Specialist Consultants, Permitting and De-Risking Advisors in Natural Resources, covering Petroleum Exploration and Production / Minerals Exploration and Mining / Energy / Water / Environmental Assessments and Management (ESG, SEA, EIA, EMP, EMS)  
Find Us @ 10 Schutzen Street, Erf No. 7302, Siveda House-Home of RBS, Tel: +264-61-306058 / 224700 / 236596.

Figure 2: Copy of the 2<sup>nd</sup> Draft EIA and EMP Reports Public Notice published in the Market Watch Insert in Allgemeine Zeitung (Namibia German) Daily Newspaper dated Thursday, 16<sup>th</sup> February 2023.



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system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account.

## NEW BOARD OF DIRECTORS

In line with the provisions of the Public Enterprises Governance Act, Act 1 of 2019, and following subsequent endorsement by the Cabinet, the Minister of Higher Education, Technology and Innovation, Dr. Itah Kandji-Murangli appointed a new Board of Directors to oversee the work of the Namibia Training Authority. The Board's three-year term came into effect on 23 January 2023.

The NTA welcomes the appointments. We look forward to the Board of Directors solidifying our growing reputation as a leader in ethical corporate conduct and in further advancing the Technical and Vocational Education and Training (TVET) sector.



**Mr. Jerome Mutumba**  
Chairperson



**Ms. Esther Hoveka**  
Deputy Chairperson



**Mr. Edward Karita**



**Ms. Eva Tomas**



**Mr. Cliff Olivier**



**Ms. Elizabeth Kamutuezu**



**Mr. Tangeni Nghiwelotekwa**

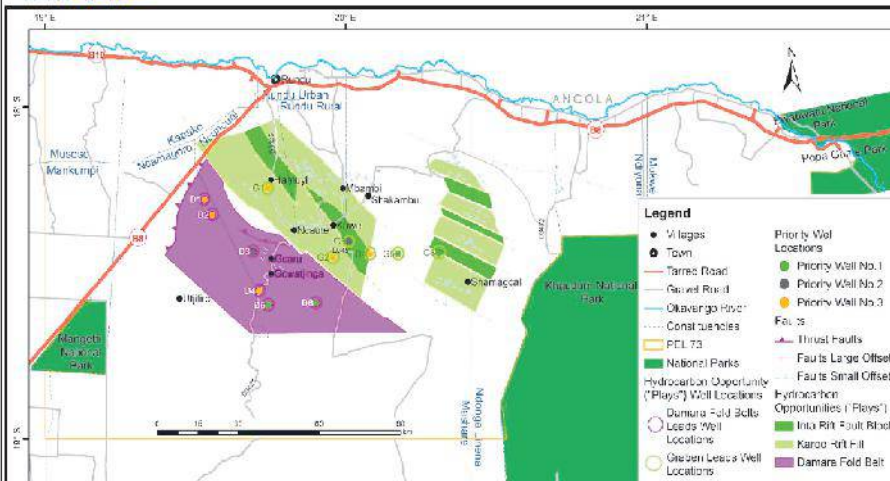
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Your Technical Specialist Consultants, Permitting and De-risking Advisors in Natural Resources covering Petroleum Exploration and Production / Minerals Exploration and Mining / Energy / Water / Environmental Assessments and Management (EIS, SEA, EIA, EMP, EMS)  
Find Us @ 10 Schröten Street, Erf No. 7382, Swada House-Horne of RBS, Tel. +264-61-306068 / 224780 / 236608.

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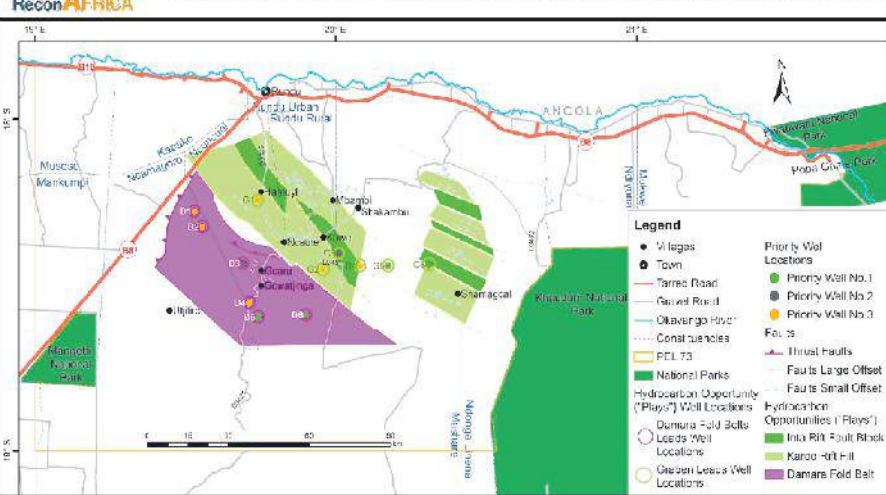
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#### **4. Consultation Meetings and Key Issues Addressed**

The following is the summary examples of the specific delivery meetings methods used at the various consultation meetings / events undertaken for this project:

1. Regulatory stakeholder consultation process combined formal meetings with PowerPoint presentation and posters with field-based visits and verifications of the actual site conditions. Field-based presentation and discussions were held in the field.
2. Community meetings in Kavango West and East Regions were delivered using posters, printed handouts and simplified physical illustrations and local landscape examples to explain key aspects of the proposed project activities. The sediment infilling in the Omatako Fossilised Ephemeral River or local ephemeral rivers were also used to explain how sedimentary basins are formed over millions of years. The local elders who attended the meetings were invited to attest to the fact that the current fossilised Omatako Ephemeral River and the local tributaries used to flow many years ago but now the channels have been filled-up by sediments. Today, the channels are being used for cultivation of crops and no longer flows into the Okavango River during the rainy season.
3. All the community meetings were delivered in the local languages by the local RBS and REN teams and translations from English to local languages where required were provided by the local RBS team based in Rundu and employed from the local communities in Kavango East and West Regions, and.
4. As part of the consultation activities, regulators, traditional authorities, local communities and interested key stakeholders have given opportunities to see the drilling operations subject to the various site constraints and HSE requirements.

The following is the summary of the key issues presented at various community and stakeholder meetings:

1. Extent of the PEL 73, and differences between surface, and subsurface rights.
2. Background on oil formation and the formation of sedimentary basin.
3. Overview of the ongoing and proposed oil and gas exploration activities, i.e., stratigraphic well drilling, 2D seismic surveying, the possible aerial gravity survey, and the proposed exploration and appraisal wells.
4. Explanation on the differences between stratigraphic and the proposed exploration and appraisal wells.
5. Locations, priority and alternatives sites of the proposed exploration and appraisal wells.
6. Summary of the proposed drilling activities from sites preparations to rehabilitation and restorations, and.
7. Types of well testing (appraisal) activities that may be undertake in an event of oil or gas discovery during exploration drilling.

8. Presentation on the various permits required before the start of the drilling operations including the ECC, land consent, clearing / cutting of trees, water drilling, and borehole permit, permit to drill an oil and gas well, Emergency Response, Oil Spill Contingency Plan and other operational specialist tools permits.
9. Possible positive impacts assessment such as payment of rental license fees, contributions to the PetroFund, short-term contractual employment opportunities, contribution to national subsurface knowledge-base and support to rural water supply through Corporate Social Responsibility (CSR), and cumulative impacts in addition to other ongoing socioeconomic activities at local, regional and national levels.
10. Possible environmental receptors likely to be negatively (negative impacts assessment): Habitats / forests, local, and regional land uses, socioeconomic, existing infrastructure, current and future land uses, ecosystem functions, services, visual and land degradation, surface and groundwater quality, increased water consumption / depletion of water resources, existing local community water supply infrastructure, community and workers security, public safety, Occupational Health, and Safety, noise and vibrations, dust and air quality, waste (solid and liquid) management, accidental events, archaeological, contributions to global Climate Change, and cumulative impacts.
11. Overall summary of the key engineering and operational mitigation measures.
12. Summary, conclusions and recommendations, and.
13. Questions / comments and answerers sessions.

## 5. Minutes of Meetings

### 5.1. Hamweyi Village

Date	20 February 2023
Time	10h00 The meeting commenced with a prayer delivered by a volunteer from the village.
Venue	Hamweyi Village
Attendance	See attendance register and images (Appendix A)
Welcoming remarks	The foreman Reinold Mangundu welcomed the RBS team as well as the community present and the Hon. Councillor Ms. Leopoldine Nseu. He encouraged the community to listen and ask questions when the chance is granted and requested them to pass on the information to the others who are not present at the meeting as they heard it.
Purpose of the meeting	<ul style="list-style-type: none"> <li>- To provide an update on the ongoing REN oil and gas exploration activities in the general area.</li> <li>- To inform the community on the Environmental Assessment of the proposed drilling of multiple exploration and appraisal wells and specifically the G1 Well falling within the Hamweyi community area, and inclusive of the with supporting infrastructures such as borrow pits, access roads, and related services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions, Northern Namibia.</li> <li>-</li> </ul>
Presentation	<p><b>The presentation included the following points:</b></p> <ol style="list-style-type: none"> <li>1. A brief overview of the extent and location PEL 73</li> <li>2. Background on oil formation and the sedimentary basin</li> <li>3. Explained the different types of rights i.e., surface and subsurface rights.</li> <li>4. Explained REN subsurface rights of exploring for oil and gas and how the company intend to exercise the rights, by obtaining consent from the surface right holder/s, hence the need for community consultations and engagements followed by negotiations with actual land owner/s if the company proceeds with the drilling of a well in the area of Hamweyi.</li> <li>5. Updated the community on the progress and status of the ongoing petroleum exploration activities with respect to the drilling stratigraphic wells, seismic survey, and possible airborne gravity survey.</li> <li>6. Provided updates on why the proposed airborne survey has not yet been implemented due the pending aviation permits.</li> <li>7. Explained the roles of stratigraphic well drilling operations focusing on the Kawe, Mbambi, and Makandina wells and emphasised on objectives of drilling stratigraphic wells being that of studying the various geological rock layers (geological strata) of the subsurface in order to confirm the existence of a sedimentary basin and possible active petroleum systems. The Kawe, Mbambi, and Makandina wells have confirmed the existence of the Kavango Sedimentary Basin (KSB) comprising various subbasins with active petroleum systems.</li> <li>8. Explained the ongoing seismic survey activities that are used to locate drillable locations for hydrocarbons exploration and appraisal activities.</li> <li>9. Presentation on the proposed exploration and appraisal wells with special reference to the priority No. 3, G1 well site close to the local community.</li> <li>10. Provided explanations on the well naming geological related nomenclature with respect to the G (Wells falling within the Graben Hydrocarbon Play area) and D (Wells falling within the Damara Belt Hydrocarbon Play area).</li> </ol>

	<ol style="list-style-type: none"> <li>11. Provided explanations on the ranking of the 12 wells with the Hamweyi well site being rated as Priority 3. Although the G1 well site is ranked low (Priority 3) this is based on the current available data sets and this may change as more data sets such as seismic survey and airborne gravity is collected over the Hamweyi area.</li> <li>12. Explained the objectives difference between the stratigraphic, and the proposed exploration and appraisal well drilling operations. Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures and to confirm the existence of a sedimentary basin in this case the Kavango Sedimentary Basin. Exploration wells are drilled for the purpose of locating potential economic hydrocarbons resources with appraisal activities used to confirm the economics of the discovered resources. Appraisal activities are often undertaken in the same drilled well where oil or gas has been discovered, therefore the same drilled exploration well is used for appraisal testing.</li> <li>13. Described the drilling process including the rig to be used, key engineering mitigation measures used in the drilling process such as drilling fluids, casing, cement, Blow-Out-Prevent, Emergency Response Plan, and Oil Spill Contingency Plan.</li> <li>14. Presented the summary of negative impacts including, the impacts of clearing of vegetation on the 3 hectares land to be for the drilling pad and access roads.</li> <li>15. Presented the various permits required before the start of the drilling operations including the ECC, land consent, clearing / cutting of trees harvesting, water drilling, and borehole permit, permit to drill an oil and gas well, and other operational specialist tools permits.</li> <li>16. Provided a summary of the methods (mitigation measures and monitoring) used in preventing water contamination.</li> <li>17. Explained on the timeframe on the start of the drilling of the proposed wells which is dependent on various factors including permits, and ongoing data collection etc, and therefore not definite.</li> <li>18. Summary, questions, comments and answers.</li> </ol>
<p>Question and answers</p>	<ol style="list-style-type: none"> <li>1. <b><u>With the previous survey, the thumper surveyed close to the house without obtaining any consent from the homeowner and it's not good practice, it's important to inform us beforehand.</u></b>   Apologies for the inconvenience, the Proponent is required to notify the local communities likely to be affected by the seismic survey or drilling operation and to maintain appropriate buffer zones away from homesteads. Your concern has been noted and will not happen again if seismic survey is undertaken in this area.</li> <li>2. <b><u>Will the drilling affect the underground water, crop fields, and the vegetation at large?</u></b>   No underground water, or crop fields, will be affected by the proposed well in your area. Vegetation on proposed 3 Ha and along the possible access road will be affected and relevant permits including permission / consent from the land owner/s will be obtained before the start of the operations. As presented, trees likely to be cut out of the 3Ha footprint area will be counted and replaced through various environmental initiatives such as trees replanting elsewhere. Groundwater tests will be conducted before, during and after drilling in order to make sure that groundwater resources are protected. Water is protected through various layers of casings, and cement to prevent</li> </ol>

	<p>the entry of any drilling operations fluids into water aquifers. Similarly, no crops are known to have died due to the drilling operations.</p> <p><b><u>3. What is going to happen to the previous platform which was supposed to be drilled at Hamweyi? Are you going to abandon that site and use the proposed one or use both?</u></b></p> <p>At present no decision has been made on whether the company will return to the initially identified site. The current focus is on new G1 site which is still overall ranked as priority No. 3. The final decision will depend on the results of the ongoing seismic survey and airborne gravity. In fact, all well locations are subject to change depending on the results of the ongoing activities that will direct the company to locations with high chance of discovering economic oil and gas resources.</p> <p><b><u>4. Will the proposed water borehole continue?</u></b></p> <p>The project is still running, and Proponent will engage the Hamweyi community, traditional authority, regional council, the Hon. local councillor and the Department of Rural Water Supply in the region regarding the support to rural water supply in Kavango East and West Regions.</p>
<p>Councillor's Remarks Ms Leopoldine Nseu</p>	<p>The Hon. Councillor thanked RBS and everyone for coming. She eluded that the Ncamagoro and Ncuncuni constituencies only have two water boreholes found in Kavango West whilst Kavango East has about 13 water boreholes provided by Recon Africa, although much of the operations are mainly occurring in Kavango East Region. She further added that Sitenda and Hamweyi do not have any water boreholes and that less developments are occurring within that area which seems to be a little unfair. Similarly, there were scholarships awarded for tertiary studies by the Proponent but nobody from Hamweyi was awarded that scholarship. She highlighted that it is hard to tell people to wait for developments and be patient when they only hear about the things happening in other areas but never seen any such development by REN within Hamweyi. She encouraged REN to please consider the above-mentioned points.</p>
<p>Closing remarks</p>	<p>The foreman highlighted that he would not say much as he stands for his people. He stated that the locals did not claim the venue as they are tired of REN's empty promises. He added that communities are always given new information every time and it confuses them. He advised that the company must commit to what is being said to the communities and if any changes occur, they should come back to inform the community. He also emphasized on employment of local people because currently no one from Hamweyi has been employed by the company. Even the scholarships that have been awarded by REN, no one from Hamweyi. He indicated that going forward, all invitations must come with purpose of meeting and all the upcoming operations should be conducted appropriately. In conclusion, he thanked the team for the information shared and for the clarity provided on various issues raised and that their minds are at ease.</p>

## **Appendix A - Attendance Register and Photos**





## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 20 February 2023

Time: 10:00

Location: Hamweyi

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
1.	Lucas Vandalika	RBS	lvandalika@gmail.com
2.	KAMBARA ANDREAS L.	Hamweyi	N/A
3.	Kaputungu Euphemia	Hamweyi	N/A
4.	Tuhafeni Kautondoka	Hamweyi	N/A
5.	Anna Kuupulwa	Hamweyi	0814939779
6.	Hamushira Martha	Hamweyi	0817716894
7.	Sheehama Johanna	Hamweyi	0812349734
8.	Hainqura Maria	Hamweyi	0814632283
9.	Benhard IYoni	Hamweyi	0813305028
10.	marungu Annastasia.T	Hamweyi	0812171413.

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
11.	Muronga Martina .N.	Hamweyi	0815979170
12.	Mayongora Emiliye .M.	Hamweyi	081 3287492
13.	Haingura Johanna	Hamweyi	0816777664
14.	Mukerenge Elisabeth	Hamweyi	0814119217
15.	Kudumo Sabina	Hamweyi	--
16.	Mayongora Natalia	Hamweyi	0816582145
17.	Magbundu Elisabeth	Hamweyi	081 8200406
18.	Kachura Emilie	Hamweyi	081 4931435
19.	Tutaika Martha	Hamweyi	081 6406161
20.	Jucas Danguwala	Hamweyi	081 288 7408
21.	FREDRICK H MAHONGO	HAMWEYI	081 2931260
22.	Kanyaga Blasius	Hamweyi	N/A
23.	Kumba Primus Kuvira	Hamweyi	0813948501
24.	Mukwe Profassius K	Hamweyi	0810478121
25.	Marungu Edwin	Hamweyi	0813580349
26.	Haingura Etex	Hamweyi	0814054952
27.			

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
28.	ILTA ASSEK	RBS	0812586203
29.	Afous Grande	RBS	0811290618
30.	Leopoldine NSEU	Kwiru C	0816375481
31.	Samson Malongo	RBS	0812274867
32.	Martin Hamyura	REN	0812435834
33.	Eager Simasiku	RBS	0816596804
34.	Howan Engelbrecht	RBS	0814874996
35.	Helena Elago	RBS	0813337075
36.	Christine K. Links	RBS	0813036654
37.	muremi Rosalia K	Hamweji	0818975335
38.	FK muneni	//	0812191140
39.	Andreas tuhafeni	//	0812162756
40.	Hamutenya christine		
41.	Hamutenya Theresia		
42.	Usinano Rosmanus	//	
43.	Mewan Kanyama	R.B.S	0818757555
44.	Siyona Veronica	RBS	0814052311

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
45.	Ernesto Katongo	RBS	0815774702
46.	Katoroli Ncani	Hamweyi	
47.	Singenga Musongo	Hamweyi	
48.	Musava Ncane	Hamweyi	
49.	Nolava Veronica Ncane	Hamweyi	
50.	Namukuusa Katongo	Hamweyi	
51.	Naka Ruwe	Hamweyi	
52.	Sipapo Giriberd	Hamweyi	
53.	ANTON SOPHIA	Hamweyi	0812408527
54.	Ndango Asteria	Hamweyi	
55.	Thomas Eveline M.	Hamweyi	0812410467
56.	Kambara .C.	Hamweyi	0817590243
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## 5.2. Mbeyo Community Forest

<b>Date</b>	22 February 2023
<b>Time</b>	12:40 <i>The meeting commenced with a prayer delivered by volunteer.</i>
<b>Venue</b>	Mbeyo Community Forest office
<b>Attendance</b>	Attendance registers and images (Appendix A)
<b>Welcoming Remarks</b>	<b>Headwoman: Hileni Munango</b>  Ms Hileni Munango welcomed the RBS, and REN teams and everyone present at the meeting and thanked them for coming to attend the meeting at Mbeyo village and indicated that they are waiting for the information brought by the team and that they are ready to listen, and she concluded that she is in full support of the activities, as there is hope that poverty will be alleviated.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>❖ To Provide an update on the ongoing REN oil and gas exploration activities in the general area.</li> <li>❖ To inform the Mbeyo community on the Environmental Assessment of the proposed drilling of multiple exploration and appraisal wells and specifically the D2 well falling in the Mbeyo Community Forest and inclusive of the with supporting infrastructures such as borrow pits, access roads, and related services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions, Northern Namibia.</li> <li>❖</li> </ul>
<b>Presentation</b>	<p><b>The presentation included the following points:</b></p> <ol style="list-style-type: none"> <li>1. A brief overview of the extent and location PEL 73</li> <li>2. Background on oil formation and the sedimentary basin</li> <li>3. Explained the different types of rights i.e., surface and subsurface rights and the D2 well location falling in the Mbeyo Community Forest which an important land use \ resource area for the community</li> <li>4. Explained REN subsurface rights of exploring for oil and gas and how the company intend to exercise the rights, by obtaining consent from the surface right holders (the local community), hence the need for community consultations and engagements followed by negotiations with actual land owners if the company proceeds with the drilling of a well in the area.</li> <li>5. Updated the community on the progress and status of the ongoing petroleum exploration activities with respect to the drilling of stratigraphic wells, seismic survey, and possible airborne gravity survey.</li> <li>6. Provided some updates on why the proposed airborne survey has not yet been implemented due the pending aviation permits.</li> <li>7. Provided explanation on the stratigraphic well drilling operations focusing on the Kawe, Mbambi, and Makandina wells and emphasised on the objectives of drilling stratigraphic wells being that of studying the various geological rock layers (geological strata) of the subsurface in order to confirm the existence of a sedimentary basin and possible active petroleum systems.</li> <li>8. Explained the ongoing seismic survey activities that are used to locate drillable locations for hydrocarbons exploration and appraisal activities.</li> <li>9. Presentation on the proposed exploration and appraisal wells with special reference to the priority No. 3, D2 well site falling in the Mbeyo Community Forest.</li> </ol>



	<ol style="list-style-type: none"> <li>10. Provided explanations on the well naming geological related nomenclature with respect to the G (Wells falling within the Graben Hydrocarbon Play area) and D (Wells falling within the Damara Belt Hydrocarbon Play area).</li> <li>11. Provided explanations on the ranking of the 12 wells with the D2 well site rated as Priority 3. Although the D2 well site is ranked low (Priority 3) this is based on the current available data sets and this may change as more data sets such as seismic survey and airborne gravity is collected over the general area.</li> <li>12. Explained the objectives difference between the stratigraphic, and the proposed exploration and appraisal well drilling operations. Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures and to confirm the existence of a sedimentary basin in this case the Kavango Sedimentary Basin. Exploration wells are drilled for the purpose of locating potential economic hydrocarbons resources with appraisal activities used to confirm the economics of the discovered resources. Appraisal activities are often undertaken in the same drilled well where oil or gas has been discovered, therefore the same drilled exploration well is used for appraisal testing.</li> <li>13. Described the drilling process including the rig to be used, key engineering mitigation measures used in the drilling process such as drilling fluids, casing, cement, Blow-Out-Prevent, Emergency Response Plan, and Oil Spill Contingency Plan.</li> <li>14. Presented the summary of negative impacts including, the impacts of clearing of vegetation on the 3 hectares land to be for the drilling pad and access roads.</li> <li>15. Presented the various permits required before the start of the drilling operations including the ECC, land consent, clearing / cutting of trees harvesting, water drilling, and borehole permit, permit to drill an oil and gas well, and other operational specialist tools permits.</li> <li>16. Provided a summary of the methods (mitigation measures and monitoring) used in preventing water contamination.</li> <li>17. Explained on the timeframe on the start of the drilling of the proposed wells which is dependent on various factors including permits, and ongoing data collection etc, and therefore not definite.</li> <li>18. Summary, questions, comments and answers.</li> </ol>
<p><b>Questions and Answers</b></p>	<p><b><u>1. Following the drilling operations at Kawe, Mbambi, Makandina will these existing wells be required for testing as part of the new proposed exploration and appraisal activities or not?</u></b></p> <p>No, oil and gas wells are only tested upon a commercial discovery. The Kawe, Mbambi, Makandina wells were drilled as stratigraphic wells, with sole purpose of studying the geological layers of rocks and structures beneath the subsurface. Based on the current provisions of the ECC, the Kawe Well there is a planned re-entry / side-tracking of operations and if oil and gas is discovered, then the re-entered Kawe well, may be tested to determine the commerciality of the discovery. The current ECC permit we are applying is for the exploration and appraisal drilled for the purpose of locating commercial hydrocarbons and to determine the commerciality the discovered resources. If commercial resources are discovered, well testing will be conducted.</p>

**3. Are there any exact coordinates available for the new proposed and appraisal well within the Mbevo community forest?**

Yes, coordinates are provided for all the proposed exploration and appraisal wells including the location of the D2 well site with the following current coordinates: Lat 18°19'36.1605"S and Long 19°33'25.2871"E. If there will be some changes on the proposed well location coordinates, they will be share with the community once the final location has been decided and if the proposed drilling operations on D2 indeed goes ahead.

**4. What are the potential benefits that the community forest office and the community at large will receive from the project?**

Some of the benefits include:

- ❖ A community water well to be provided as part of the Corporate Social Responsibility, and the drilling production borehole is also handed over to the community on completion of drilling following site rehabilitation and restoration. Overall, two boreholes are left for use by the community.
- ❖ Provision of fire cut lines with the assistance of the Ministry of Environmental, Forestry, and Tourism. The fire cutlines will prevent and manage wildfires within the community forest.
- ❖ Temporary job opportunities, improved accesses, and compensation payments for land access.

**5. What will be the next step if the oil will be discovered within the community forest.**

The discovery of oil in the community forest will not destroy the community forest because the resources is likely to be located deep into the ground. New environmental studies will be conducted to determine the level of positive and negative impacts of producing oil and gas in the community forestry and local community will be fully consulted on such a development. The community will be informed, when there is a commercial discovery and various negotiations and initiatives aimed at uplifting the living standards of the local community will be developed. For example, local community may enter into negotiations with the oil company and the government to ensure an equitable and mutually beneficial agreement including creation and funding of community trust funds, and projects, etc. Yes, there will be increased footprints of disturbed areas and likely negative impacts will be fully assessed and determined once there is a discovery and a decision to develop or not develop the discovered oil and gas will be made.

**6. Since the seismic survey was done and the community forest office signed the consent letter, why has not any money paid to the forestry?**

It is believed that as for the previous seismic survey all the people that signed the consent letters were compensated and as for the money for the community forests has been paid to MEFT at the Directorate of Forestry, because the initial agreement was between REN & MEFT. MEFT is the regulators of the forestry's and conservancies. The payment must be resolved with MEFT in order for the money to be paid directly to the Mbeyo community forest office.

	<p><b><u>7. The construction of fire cut lines as a barrier for wildfires within the forest has not been done up to standard, in a such a way that it can prevent any fires, why is that so?</u></b></p> <p>We are not really sure because our team are not directly involved in these matters. However, this could have happened due to a lack of proper communication between MEFT, and REN / contractor who was contracted to create the fire cut line. The matter is noted and will be taken up by REN team present at this meeting.</p> <p><b><u>8. The method of recruitment for the panga activities are not always properly communicated and that brings infighting among the community members, REN could improve on that.</u></b></p> <p>The channel of communication regarding recruitment is always through the headperson or headperson's representative. When none of them are available, the involvement of Village Development Committees (VDC's) is necessary. If there are any flaws in the process, these will be corrected for the upcoming activities. This ensures that activities are conducted in accordance with the established company recruitment policies, guidelines and protocols. Additionally, it is agreed that a protocol should be established to ensure that all recruitment processes are transparent and ethical.</p>
<b>Closing remarks</b>	<p>Mpengo Petrus (headman) gave closing remarks. He thanked the RBS and REN teams for visiting and sharing the information and thanked everyone for coming to attend the meeting. He further added that the company should continue with the good work that will likely bring developments in the village and surrounding areas.</p>

**Appendix A - Attendance Register and Photos**



## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 22 February 2023

Time: 12:55

Location: Mbeyo Community Forest office

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
1.	Joseph Chinkanda	Mbeyo	0814871457
2.	Lufino Daniel Cisoti	Mbeyo	0816979978
3.	Isak Veijo	REN	0814230797
4.	Ihemba Renathe	Mbeyo	0814937510
5.	Mpenge Petrus (H.M)	Mbeyo	0818166091
6.	Hileni Munango (H.W.)	Mbeyo	0812954081
7.	Simboma Johannes	Mbeyo	0816036735
8.	Elias Albert	Mbeyo	0812745947
9.	Helena Elago	RBS	0813337075
10.	Maggie Mafer da	RBS	0818718676

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
11.	Michael Kanyanga	REN ESG	michael.kanyanga@rensonafrica.com
12.	Samson Mbulanga	RBS	0812274867
13.	Johannes Singunde	Mbeya/Sheperu	0813217652
14.	Kamusi Adrien	REN Driere	8813080360
15.	Kubano Magnus	REN	0816242996
16.	Eger Simasiku	RBS	0816596804
17.	Mpenya MATHIAS		0817970167
18.	ILTA ASSER	RBS	0812586203
19.	EMERITA ABHIPAZA	RBS	081706851
20.	Ernesto Kertonga	RBS	0815774702
21.	Suyemo Veronica	RBS	0814052311
22.			
23.			
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### 5.3. Ncamagoro Community Forest

<b>Date</b>	23 February 2023
<b>Time</b>	14:10 <i>The meeting commenced with a prayer delivered by volunteer.</i>
<b>Venue</b>	Ncamagoro Community Forest office
<b>Attendance</b>	Attendance register and images (Appendix A)
<b>Welcoming Remarks</b>	<b>Headwoman: (Festus Skato)</b> The headman welcomed the RBS, REN team and everyone present at the meeting and thanked them for coming to attend the meeting, the team should feel welcome and indicated that they are waiting for the information brought by the team and that they are ready to listen.
<b>Purpose of the Meeting</b>	<ul style="list-style-type: none"> <li>❖ To Provide an update on the ongoing REN oil and gas exploration activities in the general area.</li> <li>❖ To inform the Ncamagoro Community on the Environmental Assessment of the proposed drilling of multiple exploration and appraisal wells and specifically the D1 well falling in the Ncamagoro Community Forest and inclusive of the with supporting infrastructures such as borrow pits, access roads, and related services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions, Northern Namibia.</li> </ul>
<b>Presentation</b>	<p><b>The presentation included the following points:</b></p> <ol style="list-style-type: none"> <li>1. A brief overview of the extent and location PEL 73</li> <li>2. Background on oil formation and the sedimentary basin</li> <li>3. Explained the different types of rights i.e., surface and subsurface rights and the D1 well location falling in the Mbeyo Community Forest which an important land use \ resource area for the community</li> <li>4. Explained REN subsurface rights of exploring for oil and gas and how the company intend to exercise the rights, by obtaining consent from the surface right holders (the local community), hence the need for community consultations and engagements followed by negotiations with actual land owners if the company proceeds with the drilling of a well in the area.</li> <li>5. Updated the community on the progress and status of the ongoing petroleum exploration activities with respect to the drilling of stratigraphic wells, seismic survey, and possible airborne gravity survey.</li> <li>6. Provided some updates on why the proposed airborne survey has not yet been implemented due the pending aviation permits.</li> <li>7. Provided explanation on the stratigraphic well drilling operations focusing on the Kawe, Mbambi, and Makandina wells and emphasised on the objectives of drilling stratigraphic wells being that of studying the various geological rock layers (geological strata) of the subsurface in order to confirm the existence of a sedimentary basin and possible active petroleum systems.</li> <li>8. Explained the ongoing seismic survey activities that are used to locate drillable locations for hydrocarbons exploration and appraisal activities.</li> <li>9. Presentation on the proposed exploration and appraisal wells with special reference to the priority No. 3, D1 well site falling in the Mbeyo Community Forest.</li> <li>10. Provided explanations on the well naming geological related nomenclature with respect to the G (Wells falling within the Graben Hydrocarbon Play area) and D (Wells falling within the Damara Belt Hydrocarbon Play area).</li> </ol>



	<ol style="list-style-type: none"> <li>11. Provided explanations on the ranking of the 12 wells with the D1 well site rated as Priority 3. Although the D1 well site is ranked low (Priority 3) this is based on the current available data sets and this may change as more data sets such as seismic survey and airborne gravity is collected over the general area.</li> <li>12. Explained the objectives difference between the stratigraphic, and the proposed exploration and appraisal well drilling operations. Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures and to confirm the existence of a sedimentary basin in this case the Kavango Sedimentary Basin. Exploration wells are drilled for the purpose of locating potential economic hydrocarbons resources with appraisal activities used to confirm the economics of the discovered resources. Appraisal activities are often undertaken in the same drilled well where oil or gas has been discovered, therefore the same drilled exploration well is used for appraisal testing.</li> <li>13. Described the drilling process including the rig to be used, key engineering mitigation measures used in the drilling process such as drilling fluids, casing, cement, Blow-Out-Prevent, Emergency Response Plan, and Oil Spill Contingency Plan.</li> <li>14. Presented the summary of negative impacts including, the impacts of clearing of vegetation on the 3 hectares land to be for the drilling pad and access roads.</li> <li>15. Presented the various permits required before the start of the drilling operations including the ECC, land consent, clearing / cutting of trees harvesting, water drilling, and borehole permit, permit to drill an oil and gas well, and other operational specialist tools permits.</li> <li>16. Provided a summary of the methods (mitigation measures and monitoring) used in preventing water contamination.</li> <li>17. Explained on the timeframe on the start of the drilling of the proposed wells which is dependent on various factors including permits, and ongoing data collection etc, and therefore not definite.</li> <li>18. Summary, questions, comments and answers.</li> </ol> <p>❖</p>
<p><b>Questions and Answers</b></p>	<ol style="list-style-type: none"> <li>1. <b><u>After the completion of the drilling operations will there be several standard protocols for making sure the well is sealed and properly maintained, preventing any potential hazards from occurring?</u></b> <p>Yes, well abandonment process must be approved by the MME and each of the drilled wells site, or borrow-pit used will be rehabilitated. The well rehabilitation process will include the plugging of any porous horizon as well as top well head section. Monitoring and inspections will be carried out by the MME.</p> <p>The area of about 20m<sup>2</sup> around wellhead will be fenced in order to protected the well installation which is a State asset.</p> </li> <li>2. <b><u>Following the drilling operations at Kawe, Mbambi, Makandina have all these wells been rehabilitated and is there any proof?</u></b> <p>Mbambi and Makandina sites will soon be rehabilitated and the rehabilitation plan has been approved by MME. Other activities that will be undertaken as part of the rehabilitation and sites restorations will include the planting of trees, setting- up of a nursery, and restoring the disturbed areas in consultation with the local community. Kawe is still being used as the main camp and will also be rehabilitated once the operations have been completed.</p> </li> <li>3. <b><u>What are the findings at Kawe, Mbambi, and Makandina drilling?</u></b></li> </ol>

The findings of Kawe, Mbambi, and Makandina stratigraphic wells proved the existence the main Kavango Sedimentary Basin, associated subbasins and the presences of an active / working petroleum system.

**4. What are the negative impacts of this oil and gas exploration method?**

- ❖ Negative environmental impacts likely to be associated with oil and gas exploration activities and assessed at local, and regional levels include disturbance of the flora, fauna, land uses, socioeconomic, existing infrastructure, current and future land uses, ecosystem functions, services, visual and land degradation, surface and groundwater quality, increased water consumption / depletion of water resources, existing local community water supply infrastructure, community and workers security, public safety, Occupational Health, and Safety, noise and vibrations, dust and air quality, waste (solid and liquid) management, accidental events, archaeological, contributions to global Climate Change, and cumulative impacts added onto the already existing and other planned activities in the area.
- ❖ The EIA Report has been prepared and has assessed all the negative impacts and has identified those impacts with significant influence on the receiving environment by considering the sources of impact, pathways or routes through which the impacts will reach the local or regional receptors of concern such as groundwater. The mitigation measures aimed at reducing the significant of the negative impacts have been proposed and are contained in the EMP Report to implemented and monitored by the Proponent (REN).
- ❖ Based on the findings of the EIA and the mitigations measures provided in the EMP Report, and through the effective implementation of the mitigation measures and performance monitoring by the Proponent, the overall likely negative impacts of the proposed prioritised exploration and appraisal wells locations Nos. D1-D6 and G1-G6 and supporting infrastructures such as the new access roads to each of the proposed new well sites, the use of existing borrow pits and other associated services on the receiving environment (physical, socioeconomic, and biological) will be low and localised with medium to low significant negative impacts. The process of clearing the drilling sites, access tracks, and use of existing borrow pits areas as well as actual drilling operations will have localised medium significant negative impacts on the local environment without mitigation. Direct supervision, involvement, and continuous monitoring of the process of clearing of all the drilling sites, access tracks, and borrow pits areas, and actual drilling operations will reduce any likely medium significant negative impacts to localised low.

**5. What are the potential benefits that the community forest office and the community at large will receive from the project?**

Some of the benefits include:

- ❖ Two water boreholes that may be drilled, covering a community borehole provided as part of the Corporate Social Reasonability and a production borehole to be used for drilling operation and later donated to the local community once the operations ceases.

- ❖ Provision of fire cut lines during the seismic survey with the assistance of the MEFT that could assist to prevent and manage wildfires within the community forest.
- ❖ Temporary job opportunities, improved access roads, and payments of land access and compensation for land used for new access and drilling sites.

**6. How long is the licence for the oil and gas exploration valid?**

- ❖ The Petroleum Exploration Licence (PEL) is dependent on the Petroleum Agreement signed between MME and the REN. Often, the PEL starts with the initial 4 years which can be extended for a year followed by two (2) additional extensions that may be up 2 years each. The renewal thereof is all based on performance monitored by MME.
- ❖ A production license is valid for period 25 years.
- ❖ An Environmental Clearance Certificate (ECC) lasts for 3 years and is renewable subject to satisfactory performance monitoring and reporting to and evaluation by the Environmental Commissioner in MEFT.

**7. What are the impacts of aerial survey to the livestock?**

Airborne gravity survey will involve the use of a stabilised gravity meter installed on a fixed-wing aircraft, to acquire data over a given area concerning the earth's gravity fields. The proposed 4388 km long airborne gravity survey will take about seven (7) days or less to complete. The survey will start in the south-eastern (SE) corner of the survey area and finish in the northwest (NW) corner. The operation will cover a mixture of the survey lines (long lines SE-NW, 600m spacing) and tie lines (shorter lines NE-SW, 3000 m spacing). The objectives of the proposed Airborne (Aerial) Gravity Survey are: Expand the overall survey data coverage over the AOI in the licensed area and enhance the interpretation contrast, confidence, and overall quality of the results of the ongoing oil and gas exploration operations in PEL 73 and may eventually lead to commercial discovery. With the exception of installation of base station and an operational area at Rundu Airport, the entire proposed survey will be airborne. Noise levels on the ground with respect to the local communities, and fauna will be transient and less than the sound of a passing motorbike. Local fauna, including birds and domestic animals are not expected to be affected due to the 120m altitude of the aircraft. The survey operator will be in regular contact with the REN Team and officers from the Authorities as may be required.

**8. Why are the payment for the trees that are cut down paid to the Directorate of Forestry in MEFT instead of paying it to the community forest?**

- ❖ Community Forest falls under the MEFT and is the regulator.
- ❖ Trees harvesting permit and invoices thereof are issued by MEFT.
- ❖ Therefore payment is made to MEFT that issued the invoices.
- ❖ Ncamagoro community forest office shall engage MEFT with respect to the invoices and payments for trees harvesting and associated permits.

**Closing remarks**

Gweze Reino (headman's representatives) gave closing remarks where he thanked the RBS and REN team for visiting and sharing the information and thanked everyone for coming to attend the meeting.

Prayer and Meeting adjourned at 15:46

## **Appendix A - Attendance Register and Photos**



## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 23/02/2023

Time: 14h00

Location: Ncamagoro

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
1.	MPUNGA ANNASTASIA N	Ncamagoro (Mile 30)	081 6322929
2.	SHIMBO MERITHA S	Ncamagoro (Mile 30)	081 8116645
3.	POROTO CLEMENTINE K	Ncamagoro (Mile 30)	081 7495573
4.	LINUNGA NAIMI K	Ncamagoro (Mile 30)	081 2501637
5.	PAULUS K MANFRED	NCAMAGORO (MILE 30)	081 2222557
6.	Good One	Ren Driver	0813080360
7.	FALANGA ROSSAH N	Ncamagoro (Mile 30)	081 2862507
8.	KAMBUNGO LAHIA K	Ncamagoro (Mile 30)	081 8137419
9.	SHIMBO ELIZABETH N	Ncamagoro (Mile 30)	081 7887028
10.	KASANGA AGNES M.	Ncamagoro (Mile 30)	081 7353479.

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
11.	Sikareni Beatha	NCamagoro (Mile 30)	0816064170
12.	Ndara Natalia M	NCamagoro (Mile 30)	0817231888
13.	NTusi Loide Namutampi	NCamagoro (Mile 30)	0812424363
14.	Ndara Selma Mukono	NCamagoro (Mile 30)	0814540911
15.	Titima Eveline I	NCamagoro (Mile 30)	0814423853
16.	Ndumba Loide M	NCamagoro (mile 30)	0817051866
17.	Sandjamba Julia S	NCamagoro (mile 30)	0812159347
18.	Ntjamba Loide M	NCamagoro (mile 30)	0814649639
19.	Suze Elisabeth -N	NCamagoro (mile 30)	0818123263
20.	Kudumo Angelius	NCamagoro mile 30	0813400862
21.	Ndara Arselma	NCamagoro (mile 30)	0812821132
22.	Leevi Daniel	NCamagoro (mile 30)	0816127599
23.	Antoni Lazarus	NCamagoro (mile 30)	0813331358
24.	Masozzi Edward	NCamagoro (mile 30)	0812442202
25.	ERastus Kierete	NCamagoro	0818542940
26.	NGwezi Alpheus	NCamagoro	0812067002
27.			

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
28.	Nancy Mukobobo	MGEPESEN ( Mile 30 )	0813164420
29.	Gasarius TAKOVA	KWIRC	0813262419
30.	Rumeny AUGUSTUS	Ncamagoro ( Mile 30 )	0812168786
31.	Paulus Johnny M	Ncamagoro ( My 30 )	0816505792
32.	NGOMA PETER K	NCAMAGORO MILE 30	081 8002904
33.	Masya Sakaria	Ncamagoro / mile 30	081 7718807
34.	Fiyu Johannes M	N Camagoro / mile 30	0818200559
35.	Fiyu Zoine	N camagoro / My 30	081 6657371
36.	Ndumba Anton T	Ncamagoro / mile 30	0813989119
37.	KANYANGA ISAK	NCAMAGORO / Mile 30	081 38 01888
38.	Tjiundi Rolutna	Ncamagoro / Mile 30	081 6963556
39.	Siruka Cesilia	Ncamagoro / Mile 30	081 7950505
40.	Paulus Julia	Ncamagoro / Mile 30	081 45 8 2224
41.	Tjipula Adelia	Ncamagoro / Mile 30	081 76 79110
42.	Mukoya Andreas	Ncamagoro / Mile 30	081 7582 515
43.	Kambinda Petrus	Ncamagoro / Mile 30	081 <del>7</del> 42 26261
44.	Kambira Paulus	N Camagoro	081 6322929

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
45.	BEKE PETRUS S. S.	Ncamagoro	0812189139
46.	YINYU PETRUS S.	Ncamagoro	0716021952
47.	Kambiru Johannes.	Ncamagoro	0816343044
48.	Falanga Eric	Ncamagoro	0814777127
49.	S Markus Gummori	Ncamagoro	0815656070
50.	Suyemo Veronika	RBS	0814052311
51.	Samson Mulongo	RBS	0812274867
52.	Maggy Mufenda	RBS	
53.	Ernesto Katongo	RBS	0815774702
54.	ILTA ASSER	RBS	0812586203
55.	Helena Elago	RBS	0813337075
56.	Eager Simasiku	RBS	0816596804
57.	Haingura Martin	Recan Africa	0812433834
58.	Likoro Clothilde	RBS	<del>0816262714</del>
59.	Ndumba Josephine	Ncamagoro	0816262714
60.	Paulus Mahako	Ncamagoro	0814941997
61.	Mesene Julia	Ncamagoro	0818790099



No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
62.	Mesene Josophine	Ncamagoro	0781 7279362
63.	Ngweze Reino	(Khimbi) Ncamagoro	081 3070275
64.	Festus Sketo	Headman Ncamagoro	081 437 6102
65.			
66.			
67.			
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#### 5.4. Kavango East Regional Meeting

Date	24 February
Time	09:16
Venue	Kavango East, Governor Boardroom
Attendance	Attendance and Images of meeting in Appendix A
Welcoming remarks	<p><b>By the Hon. Governor Bonifatius Wakudumo</b></p> <p>Hon. Bonifatius Wakudumo, Hon Governor of Kavango East Region welcomed everyone to the meeting. He begun by observing protocol with the Honourable Councillors attending the meeting and the Regional Council Management team present, representatives of Kavango Farmers Union, the Chief Regional Officer, The Deputy Director from the Ministry of Environment Forestry and Tourism, Risk Based Solutions (RBS) and Reconnaissance Energy Teams.</p> <p>He thanked God for his grace that the important consultative meeting is taking place. He indicated that oil exploration has been taking place in the two Kavango Regions for some time now and that everyone is aware of these exploration activities and the different process involved. As part of the exploration process various Environmental Impact Assessments (EIAs) processes have been undertaken. Therefore, consultations are important to update the regional leadership, traditional authorities and communities on the progress of the activities. I hope the meeting takes place in harmony and respect of one another and please let us ask questions from the experts where clarity is needed.</p>
Purpose of the meeting	<ul style="list-style-type: none"> <li>❖ To Provide an update on the ongoing REN oil and gas exploration activities in the general area.</li> <li>❖ To inform the Kavango East Region Leadership, traditional authorities, and key stakeholder representatives on the ongoing Environmental Assessment process for the proposed drilling of multiple exploration and appraisal wells Nos. D1-D6 and G1-G6 and inclusive of the with supporting infrastructures such as borrow pits, access roads, and related services in Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions, Northern Namibia.</li> </ul>
Presentation	<p><b>Dr Sindila Mwiya presented a PPP which included the following points:</b></p> <ol style="list-style-type: none"> <li>1. A brief overview of the extent and location PEL 73</li> <li>2. Background on oil formation and the sedimentary basin</li> <li>3. Explained the different types of rights i.e., surface and subsurface rights</li> <li>4. Explained REN subsurface rights of exploring for oil and gas and how the company exercising the rights, by obtaining consents from the surface right holders (the local communities), hence the need for continuous stakeholder and community consultations and engagements followed by negotiations with actual land owners if the company proceeds with the drilling of the proposed wells.</li> <li>5. Updated the stakeholders on the progress and status of the ongoing petroleum exploration activities with respect to the drilling of stratigraphic wells, seismic survey, and possible airborne gravity survey.</li> <li>6. Provided some updates on why the proposed airborne survey has not yet been implemented due the pending aviation permits.</li> </ol>

7. Provided explanation on the stratigraphic well drilling operations focusing on the Kawe, Mbambi, and Makandina wells and emphasised on the objectives of drilling stratigraphic wells being that of studying the various geological rock layers (geological strata) of the subsurface in order to confirm the existence of a sedimentary basin and possible active petroleum systems as confirmed by the drilled stratigraphic wells to date.
8. Explained the ongoing seismic survey activities that are used to locate drillable locations for hydrocarbons exploration and appraisal activities.
9. Presentation on the proposed exploration and appraisal wells with special reference to the priority list and well groupings.
10. Provided explanations on the well naming / groupings based on the geological related nomenclature with respect to the G (Wells falling within the Graben Hydrocarbon Play area) and D (Wells falling within the Damara Belt Hydrocarbon Play area).
11. Provided explanations on the ranking of the 12 wells based on the current available data sets and this may change as more data sets such as seismic survey and airborne gravity is collected over the general area of interest in order to de-risk the project and increase the chance for commercial oil or gas discovery or reduce the chance of drilling dry wells.
12. Explained the petroleum de-risking process and objectives difference between the stratigraphic wells, and the proposed exploration and appraisal well drilling operations. Stratigraphic wells are drilled for the purpose of studying the geological layout of the subsurface structures and to confirm the existence of a sedimentary basin in this case the Kavango Sedimentary Basin. Exploration wells are drilled for the purpose of locating potential economic hydrocarbons resources with appraisal activities used to confirm the economics of the discovered resources. Appraisal activities are often undertaken in the same drilled well where oil or gas has been discovered, therefore the same drilled exploration well is used for appraisal testing.
13. Described the drilling process including the rig to be used, key engineering mitigation measures used in the drilling process such as drilling fluids, casing, cement, Blow-Out-Prevent, Emergency Response Plan, and Oil Spill Contingency Plan.
14. Presented the summary of negative impacts including, the impacts of clearing of vegetation on the 3 hectares land to be for the drilling pad and access roads.
15. Presented the various permits required before the start of the drilling operations including the ECC, land consent, clearing / cutting of trees harvesting, water drilling, and borehole permit, permit to drill an oil and gas well, and other operational specialist tools permits.
16. Provided a summary of the methods (mitigation measures and monitoring) such as casing and cement used in preventing water contamination.
17. Explained on the timeframe on the start of the drilling of the proposed wells which is dependent on various factors including permits, and ongoing data collection etc, and therefore not definite.
18. Provided a summary overview on oil exploration and how it leads to production, and overall potential benefits.
19. Questions, comments and answers.

Question and answers

**Question 1: With so much interest in exploration, is there a risk for Kavango East and West becoming an Exploration hub.**

The increased interest in oil and gas exploration in Kavango East and West Region and making the area a key exploration hub is important in terms of local and national benefits such as increased incomes on subsurface rights rentals, jobs, and increased knowledge and understand of the subsurface resources. Based on the results of precious studies undertaken in Namibia and other parts of World, environmental issues associated with onshore petroleum exploration can be managed and the activities can coexist with other land uses.

**Question 2: May you please explain a bit more on derisking what needs to be derisked.**

Derisking process with respect to oil and gas exploration involves the step-by-step process of collecting various data sets, such as in order to improve the chance for a commercial oil discovery compared to drilling dry wells. The risk drilling a dry well lessens as a company collects more data on a project through various stages of exploration such as stratigraphic well drilling, seismic survey and airborne gravity survey.

**Question 3: What are the chances of discovering oil and gas in Kavango East and West Regions.**

Oil and gas exploration as the Hon. Governor indicated at the opening of the meeting, is search for locations where oil and gas could have been formed, accumulated and preserved. The more data is collected in form seismic survey, airborne survey, and drilling, the high likelihood that commercial oil or gas may be discovered, if indeed it was formed and preserved within the Kavango Sedimentary Basin. The chance of commercial discovery of oil or gas will largely depend on level of exploration efforts that will be put in the search for these resources. Overall, however, the chances for a commercial discovery looks promising.

**Question 4: Are all the wells in Kavango East or not and where are they located.**

A slide with tables of well location with coordinates was presented. Local communities, farmers, and community forests have contacted, and consultation meetings undertaken separately. Furthermore, land owners have been given access the reports.

**Question 5: The Farmers Union have not received reports from RBS. There is hierarchy between NNFU in Windhoek and regional branches structures. Proper structures must be followed to deliver information. Hence Regional leadership should be informed.**

RBS will avail the EIA reports to the farmer's union office. Dr Sindila also clarified that a separate meeting was held with the individual farmers / land owners as well as the Shakambu Farmers Union, of which all affected landowners fall under.

**Question 6: There has been talk that even if oil is discovered it does not belong to Namibia. So how will Namibians reap benefits from oil?**

Oil and gas resources likely to be found both onshore and offshore Namibia indeed belong to Namibia and its people. If oil and gas is discovered, it will benefit Namibia and its citizens. The country will have an overall share of up to 60% of revenue / production going to the Namibian government in form of royalties, taxes and NAMCOR participation. If commercial oil and gas is found the two Kavango Regions and towns will benefit from employment creation, roads, massive infrastructure development.

**Question 7: The presentation has not dwelled on negative impacts of the project or may this was done when I step out of attend to other urgent matters. What are the negative impacts of oil exploration as was?**

Yes, negative impacts have been presented including key mitigation measure to be implemented as detailed in the EMP Report. The following is the summary of the identified positive and negative components of the receiving environment that have been evaluated and assessed with respect to the proposed drilling of the proposed prioritised D1-D6 and G1-G6 exploration and appraisal wells sites within the AOI in PEL No. 73 and some were presented in the PPP:

- (i) Possible positive impacts: Payment of rental license fees, contributions to the PetroFund, short-term contractual employment opportunities, contribution to national subsurface knowledge-base and support to rural water supply through Corporate Social Responsibility (CSR), and cumulative impacts, and.
- (ii) Possible receptors likely to be negatively and locally impacted: Habitats, reptiles, amphibians, mammals, avian, tree, shrub species, grass, socioeconomic, existing infrastructure, current and future land uses, ecosystem functions, services, use values and non-use or passive use, physiography and geology, visual and land degradation, surface and groundwater quality, increased water consumption / depletion of water resources, existing local community water supply infrastructure, community and workers security, public safety, Occupational Health, and Safety, noise and vibrations, dust and air quality, waste (solid and liquid) management, accidental events, archaeological, paleontological, and historical resources, contributions to global Climate Change, and cumulative impacts.
- (iii) Based on the findings of the EIA Report and the mitigations measures provided in the EMP Report, and through the effective implementation of the mitigation measures and performance monitoring by the Proponent, the overall likely negative impacts of the proposed prioritised exploration and appraisal wells locations Nos. D1-D6 and G1-G6 and supporting infrastructures such as the new access roads to each of the proposed new well sites, the use of existing borrow pits and other associated services on the receiving environment (physical, socioeconomic, and biological) will be low and localised with medium to low significant negative impacts. The process of clearing the drilling sites, access tracks, and use of existing borrow pits areas as well as actual

drilling operations will have localised medium significant negative impacts on the local environment without mitigation. Direct supervision, involvement, and continuous monitoring of the process of clearing of all the drilling sites, access tracks, and borrow pits areas, and actual drilling operations will reduce any likely medium significant negative impacts to localised low.

**Question 8: From the 12 wells how many are in Kavango East and West?**

D1 and D2 are in Kavango West. The rest of the other proposed well sites are falling in Kavango East Region.

**Question 9: How can the public be included in the EIA process including those that are against the project?**

Public and stakeholder consultations have been undertaken and continue to be undertaken in accordance with the provisions of the EIA Regulations and the EIA Team will endeavour to reach out to all the interested and affected parties and stakeholders nationwide through adverts published in the local newspapers in November and December 2023 and in February 2023. Various communities and stakeholder meetings including this meeting of today, have been organised as part of the consultation outreach programme. All the registered stakeholders including those that are against the project have been given the opportunity to submit comments, inputs and objections to the Draft Scoping Report during the months of November and December 2022 as well as to the Draft EIA, EMP and Specialist Report during the month February 2023. Such submissions are attached to the EIA and EMP Reports as Annex 7. Hardcopies of the EIA, EMP and specialist reports have also been provided to the regional councillors and traditional authorities as well as key stakeholders as part of disclosure and information dissemination process.

In addition to this response, the Hon. Governor provided some inputs on why people calling themselves interested and affected parties or stakeholders and claiming to be representing local communities from the Kavango East and West Regions do not come to his office to present their issues to him so that the company can be called by his office provide feedback on these issues. Instead, these people including foreigners who come into the region to brainwash locals choose to go to Windhoek and conduct demonstration in the name of people of Kavango East and West Region who they do not represent because no one has come to his office as the head of the region to register their concerns about REN oil and gas exploration activities.

**Comment by the Farmer Union Representative: It should be noted that people protesting in Windhoek includes people from the two Kavango Regions.**

Based on this comment which he disagreed, a detailed response was provided by the Hon. Governor and with an example on the foreigner nationals who once came into the region to brainwash locals and were arrested and deported. He emphasised that the regional government is aware that there are people who have genuine concerns about the ongoing oil and gas exploration activities while at the same time he is aware of the people who are claiming to be representing the local people. These people continue to use the local people and raise money



	<p>(donations) in the name of the local people but none of this money reaches the local people they claim to be representing. On the issue of raising money from various donors on behalf of the local community, he gave the example of the need for the region to have regional fire cutlines in order to manage wild fires which continue to destroy land in region every year. Despite wild fire being such a devastating disaster for the region, no one is making noise or demonstrating about it and yet wild fires are more destructive to environment compared to the ongoing oil and gas exploration activities. If there is a commercial discovery of oil and gas in Kavango East and West Regions, the local people, regional and Namibia as a whole stand to benefit. For examples, with recent discovery of oil and gas offshore, the towns of Lüderitz and Walvis Bay are seeing an increase in business activities including logistics and all related services linked to oil and gas operations. The same can happen in Rundu if commercial oil and gas is discovered in our two regions. This does not mean that we must disregard the issues of good environment management and that why we are all hear and have experts from RBS standing here telling us about the positive and negative impacts of oil and gas exploration so that we can make informed decision.</p> <p>The Hon. Governor, concluded and requested that if local people have concerns, they must engage his office the regional leadership and the traditional authorities so that REN can be called to come and discuss issues and find solutions to the genuine environmental concerns.</p> <p>No further comments / questions were asked by the participants.</p>
Closing remarks	<p>The Hon. Governor thanked everyone for attending and participating and encouraged people not be brainwashed by foreign ideas and should all work hard towards developing the region and nation. The meeting was closed with a prayer.</p>

## **Appendix A - Attendance Register and Photos**



## STAKEHOLDER REGISTER FOR RECONNAISSANCE ENERGY NAMIBIA (PTY) LTD

For the Proposed Drilling of Multiple Exploration and Appraisal Wells with Infrastructure in PEL 73

NOTE: This Stakeholder Register may be shared with other stakeholders as may be requested by the Government

Date: 24 FEB 2023

Time: 09:30

Location: KE GOVERNOR'S BOARDROOM

No.	NAME AND SURNAME	ORGANISATION / VILLAGE	Mobile No. / EMAIL
1.	Francis Jahs	REN	0818584044 / <a href="mailto:francis.jahs@reconnaissancenergy.com">francis.jahs@reconnaissancenergy.com</a>
2.	Kyle Kambinda	RBS	0813278045
3.	Danson Mulonga	RBS	0812274867
4.	APOLLINARIS KANNYINGA	MEFT	0811464788 <a href="mailto:apolinaris.kannyinga@meft.gov.na">apolinaris.kannyinga@meft.gov.na</a>
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7.	Herculano Mwenyo	Kavango East Reg. Council	<a href="mailto:kmherculano@kavangorc.gov.na">kmherculano@kavangorc.gov.na</a>
8.	DAMIAN MAGHAMBAYI	KAVANGO EAST REGIONAL COUNCIL	0812379017 <a href="mailto:maghambayi@gmail.com">maghambayi@gmail.com</a>
9.	Laurentius Mukoya	Kavango East Regional Council	<a href="mailto:Lmukoya@gmail.com">Lmukoya@gmail.com</a>
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25.			
26.			
27.			





## 6. Comments and Responses to Feb 2023 Registered Stakeholder

### REGISTERED STAKEHOLDER COMMENTS AND EAPs RESPONSES TO THE DRAFT SCOPING REPORT ECC FOR THE PROPOSED DRILLING OF THE PROPOSED D1-D6 AND G1-G6 EXPLORATION AND APPRAISAL WELLS WITH SUPPORTING INFRASTRUCTURE SUCH AS BORROW PITS, ACCESS ROADS, AND RELATED SERVICES IN KAVANGO SEDIMENTARY BASIN PEL NO: 73

*These comments are for the February 2023 advert runner up.*

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
<p>1. Frack Free Namibia Submitted: 22nd February 2023</p> <p><b>Appendix 1</b></p>	<p>Attention: Mr. Timoteus Mufeti</p> <p>FINAL DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT FOR DRILLING OF THE PROPOSED MULTIPLE EXPLORATION AND APPRAISAL WELLS WITH SUPPORTING INFRASTRUCTURES SUCH AS BORROW PITS, ACCESS ROADS, AND RELATED SERVICES IN THE AREAS OF INTEREST (AOI), KAVANGO SEDIMENTARY BASIN (KSB), PETROLEUM EXPLORATION LICENSE (PEL) NO. 73, KAVANGO EAST AND WEST REGIONS, NORTHERN NAMIBIA</p> <p>Dear Sir,</p> <p>The draft final Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) reports were made available to Interested and Affected Parties (IAPs) for public comment on 6 February 2023, with a closing date given as the 27<sup>th</sup> of February 2023. Prior to this phase of the environmental impact assessment process, the Environmental Assessment Practitioner (EAP), Dr. Sindila Mwiya of Risk Based Solutions made the draft scoping report for the proposed drilling of 12 additional appraisal and exploration wells in Kavango East and West available for public scrutiny. The closing date for comments on the draft scoping report was 16 December 2022. Frack Free Namibia, as a registered stakeholder, submitted a comprehensive and constructive response to the EAP. The submission contained comments on specific issues that may have an environmental and social impact and must be considered during the EIA process. The EAP's response to these comments is included in Appendix 7 of the draft final EIA, and it is with this in mind that we address this letter to you, Sir, the Environmental Commissioner.</p> <p>1. FFN Comments</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>Whilst some of the comments in our letter of the 16<sup>th</sup> of December 2022 (annexure 1) have been noted by the EAP, it is apparent that two issues that may have considerable social and environmental impacts. In the long term and widely on a spatial scale, have not been addressed at all.</p> <p>2. Gas Flaring The following comments and recommendations were made in our letter of 16<sup>th</sup> December 2022. As the current proposed activities include assessment wells and exploration wells and NOT stratigraphic wells as stated on page 117, the drilling will specifically targeting potential geological features previously identified. There is a possibility of the targeted location being successful and a gas reservoir being located. Gas flaring occurs in multiple stages of the oil &amp; gas value chain, starting with exploration and field development. While drilling, pressure in the circulating mud system can build up and create flowback, or kicks. This build-up of gas must be contained to avoid dangerous well control events, which is why the gas is routed to specialized gas busting equipment then fed into a nearby flare stack. Flare stacks are used during drilling, completions, production operations, and midstream processing.</p> <p>Gas flaring occurs in areas where infrastructure to accommodate oil and gas is not available such as East and West Kavango. The associated gas that is produced is stranded gas because it lacks the specialized infrastructure needed to economically transport and process it. As a result, stranded gas is flared. The EAP must address the possibilities and likely impacts of gas that may well be flared during the current proposed extension to the exploration activities. No response has been received from the EAP on this critical issue. Close perusal of the draft final EIA reveals that only a cursory mention of the possibility of flaring is included in the document -this appears on page 82 as a bullet point and reads as follows.</p> <p>❖ Fluids will flow into storage tanks and gas will be diverted through flare stack and burned. No further reference to gas flaring appears in the EIA, however, the insinuations of the above comment are that the EAP is aware that flaring will occur but has selected not address the social and environmental impacts of this activity any further.</p> <p>The negative impacts of gas flaring on local and regional scales are well documented and the exclusion of these from the EIA is a serious omission - that in our view renders the document null and void. The effects and mitigation measures associated with gas flaring are also not included in table 3.18. Management of likely negative impacts of dust and influence on air quality/ health receiving environment (page 151) in the EMP report. It must therefore be concluded that the EAP has intentionally selected to ignore the impacts associated with gas flaring.</p> <p>Section 6.7.23 in the EIA report provided the likely negative impacts of the exploration activities on climate change. The perceived greenhouse emissions footprint will be negligible given the size of the exploration activities. Gas flaring</p>



NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>is the burning of natural gas over a very short period of not more than thirty (30) days as part of the appraisal activities and this will only take place only in event of a commercial discovery. Therefore, there is no gas flaring perceived to occur throughout the drilling operations with respect to the proposed exploration and appraisal period.</p> <p>3. Reserve Ponds  In a similar manner, the EAP has also chosen to ignore our comments regarding the design of the reserve ponds. In our letter of 16 December 2022, we raised the following issues that have, once again not been addressed in the EIA. It is clear that REN intends using a bentonite-based lining system in the reserve ponds. Despite numerous request that have been sent to REN, Risk Based Solutions and well as the Ministry of Environment Forestry and Tourism (MEFT) requesting more detailed information about the product that is proposed for use in the lining of the reserve ponds, no reply has been received.</p> <p>Page 91 of the EIA has explanation of the product used.</p> <p>Appropriate questions that were posed in our communication and remain unanswered include the following;</p> <p>i. Can the name of the product as well as the name of the manufacturer of the product be provided?  The product is a bentonite gel which is literally a clay-based product and REN intend to use the same product as before for the proposed drilling operations. Please refer to Figure 2.10 on page 66 with a description that reads as follows: Reserve pit contains bentonite clay/gel. When it gets wet, the molecules swell up to 13 times their dry size and create an impenetrable barrier.</p> <p>ii. Have the Namibian authorities provided REN with written acceptance of the use of the product and has it been approved by the Environmental Commissioner? If yes, will a copy of the approval be made available to FFN.  Regulators in Namibia are fully aware of the type of materials REN for the drilling operations and all the appropriate permits, authorisation and consents have been obtained in past and will be obtained before the drilling operations is implemented for the proposed exploration and appraisal wells.</p> <p>iii. Was the product tested prior to application to ensure that it performs as required under ambient conditions and are test results available for perusal?  The product has been tested, has performed very well during the drilling of the previous three (3) stratigraphic wells that have been drilled in PEL 73 and been used by other operators / industries especially in Canada.</p> <p>iv. Can you explain the methodology of how the product was applied to the base and side walls of the containment pond?</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>Once the reserve pit has been designed the bentonite gel is spread on base and side walls. Please refer to Figure 2.10 on page 66 with a description that reads as follows: Reserve pit contains bentonite clay/gel. When it gets wet, the molecules swell up to 13 times their dry size and create an impenetrable barrier.</p> <p>v. Has the product been tested to determine the infiltration rate into the subsoil with the drilling fluid and anticipated return fluids, and under what hydraulic conditions was it tested?  The fact that produces water remain in the reserve pit for a very long time and is only lost through evaporation is a clear indication that the pond is not porous. Please refer to Figure 2.10 on page 66 with a description that reads as follows: Reserve pit contains bentonite clay/gel. When it gets wet, the molecules swell up to 13 times their dry size and create an impenetrable barrier.</p> <p>vi. Does REN propose using the same product in the containment pond currently adjacent to the drilling sites currently under consideration, and would it be prepared to allow the process to be witnessed by FFN?  Yes, and FFN may submit a proposal to the Proponent for considerations.</p> <p>Considering the poor public perception and trust of REN's activities in northern Namibia and in the interest of transparency it is necessitated that the information sought is made available in the EIA.</p> <p>All the comments and input submitted are attached to the final EIA Report.</p> <p>Frack Free Namibia are of the opinion that the questions and comments that have been raised are reasonable and as an organisation that represents the wellbeing and interest of the communities that reside in the region, we have a right to appropriate answers.</p> <p>Once again, the EAP has shown awareness of the issue by including figure 2.10 on page 66 with a description that reads as follows.</p> <p>Reserve pit contains bentonite clay/gel. When it gets wet, the molecules swell up to 13 times their dry size and create an impenetrable barrier. This cursory comment does not address the vital questions that have been posed by FFN on numerous occasions. The repercussions of leakage from the reserve ponds are the potential pollution of the shallow potable groundwater that is utilised by local communities. The efficacy of the lining system and the product used have not been demonstrated or proven, whilst the consequences of failure are extreme.</p> <p>Furthermore, the EAP has responded in the EIA by including a sketch diagram of the proposed reserve ponds - Figure 2.6: Drainage/ reserve pit site engineering design example (Source: Pre liminary Drawings by Burmeister &amp; Partners for REN, 2022) on page 60. The drawing does not include basic parameters such as the dimensions of the ponds, the</p>

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p>layer thicknesses, material type, treatment or utilisation of materials, or the specifications of mechanical modification by the addition of bentonite clay. In other words, the diagram is useless.</p> <p>4. Conclusions FFN will continue to strive for the rights of the communities of Kavango East and Kavango West to have their voices heard and their concerns addressed. Our rights are entrenched in the Constitution of Namibia as well as in the Environmental Management Act of 2007.</p> <p>FFN will not continue to be fobbed off and utilised as “a useful idiot1” by the EAP who persists with conducting a tick box exercise on behalf of Recon Africa and to the detriment of communities. FFN expects that at the very least the authorities managing this EIA process will conduct it to the letter of the law as well as within the spirit of the law. FFN will retain their rights to seek appropriate recourse as and when it is considered to be appropriate.</p>
<p>2. Legal Assistance Centre Submitted: 27 February 2023</p> <p><b>Appendix 2</b></p>	<p>Dear Ms Ashipala and Mr Mulonga</p> <p>SUBMISSION OF COMMENTS AND OBJECTIONS BY INTERESTED AND AFFECTED PARTIES: PUBLIC AND STAKEHOLDER NOTICE ON THE ISSUE OF THE DRAFT EIA AND EMP REPORTS FOR REN ECC APPLICATION</p> <p>I. We refer to the above matter and advise that the Legal Assistance Centre, a public interest law firm whose mandate is dedicated, inter alia, to advocating for the rights of affected parties in environmental matters. As a registered interested and affected party, it is our privilege to submit the attached comments and submissions on behalf of our clients, the affected parties herein mentioned represented by the Legal Assistance Centre in terms of its stated mandate, for your review and consideration.</p> <p>11. These submissions reflect our clients concerns and needs, and we hope that they will be taken into consideration as your firm undertakes to objectively and properly inform the Environmental Commissioner in decision making on matters of environmental sustainability in relation to the proposed project.</p> <p>III. Undoubtedly identification and mitigation or abandonment of potentially significant adverse impacts on the natural environment and social organisation of local communities will allow the Environmental Commissioner to best serve the public interests and the natural environment when considering the potential adverse impacts and associated harms of the proposed activities and mitigation and management strategies with reference to the concerns, comments and recommendations of the local communities and our client and its members who have interests</p>

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p>IV. We would also like to note that our clients make common cause and support the submissions filed evenly herewith by "Natural Justice" a similar public interest organisation, on behalf of various other affected parties relating to the short comings that are noted in their submissions regarding the draft environmental assessment report and its management plan.</p> <p>V. For the sake of brevity, our clients have not sought to duplicate submissions already made by others, but are equally concerned and affected and these are to be considered as if though specifically incorporated herein.</p> <p>VI. In the circumstances we thank you for your time and attention to this matter and trust that any decision will be appropriately guided by our clients' concerns related below.</p> <p>VII. In addition to the interest the Legal Assistance Centre has in this matter as an interested and affected party its clients represented are also "interested and affected parties", in relation to the assessment of the listed activities because they include "any person, group of persons or organisation interested in or affected by an activity."</p> <p>VIII. We represent the Kavango East and West Community Forest and Communal Conservancy Association, of which Mbeyo, Ncamgoro and Gwatjinga Community Forests are its members. All of these members of our client have been earmarked for significant environment and social impacts associated with the proponents proposed oil exploration activities in their forests.</p> <p>IX. In light of Regulation 21(3) of the EMA regulations, we would be pleased if you would also accordingly simultaneously with the lodging of these submissions and recommendations, ensure that these clients are included on your register or list of interested and affected parties. Their direct interest in the matter is elaborated below.</p> <p>X. Inasmuch as our clients are community-based organisations (CBO's) established in terms of the Forest Act of 2001 they are interested and affected parties with a direct interest and legal obligations in natural resource conservation management and environmental sustainable development in their designated forest areas which are relevant to the proponent's proposed activities and accordingly, ultimately do not seek that the Environmental Clearance Certificate be granted for the reasons set out more fully below:</p> <p>XI. Our clients have therefore instructed us, in terms of our mandate to represent their combined interests in this matter, to address specifically the following issues below regarding the application for an Environmental Clearance Certificate by the proponent. Additionally, it notably makes common cause with submissions made by the organisation "Natural Justice" on behalf of the interested and affected parties it represents in this application.</p> <p><b>SUBMISSIONS</b></p>

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p data-bbox="618 156 2016 217">DEFICIENT CONSENT: FREE PRIOR INFORMED CONSENT AND THE CONSULTATIVE PROCESSES REFERRED TO IN THE PROPONENT'S DRAFT EIA REPORT.</p> <ol style="list-style-type: none"> <li data-bbox="618 256 2016 320">1. There is widespread concern among our client's members that lip service has been paid to this important social aspect in the environmental and development management processes conducted by the proponent for the following reasons:</li> <li data-bbox="618 360 2016 560">2. While it is acceptable that the proponent has embarked on consultations with some stakeholders that it has identified as important because it requires the co-operation of these official bodies, such as the Regional Council, the Traditional Authorities and its various village headmen and have gone through the motions of holding some public meetings, to obtain authorisations, it has not yet meaningfully engaged with any of the management committees of the Community Forests nor their members in which it proposes to locate its stratigraphic wells or drilling pads and waste pits.</li> </ol> <p data-bbox="618 600 2016 895" style="color: red;">The Proponent intend to drill Exploration and Appraisal Well not stratigraphic wells as sated in your question. As indicated in Annex 7 attached to the EIA and EMP reports, consultation activities with the key affected stakeholders with respect to locations of the proposed exploration and appraisal wells have been undertaken inclusive of the Mbeyo, and Ncamgoro community forests communities and representatives regional and local levels. The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <ol style="list-style-type: none"> <li data-bbox="618 935 2016 999">3. They remain ignored in the process of consultation although they are earmarked and easily identified by the proponent for the brunt of the environmental impacts associated with the proponent's oil and gas exploration activities.</li> </ol> <p data-bbox="618 1038 2016 1302" style="color: red;">As indicated in Annex 7 attached to the EIA and EMP reports, consultation activities with the key affected stakeholders with respect to locations of the proposed exploration and appraisal wells have been undertaken inclusive of the Mbeyo, and Ncamgoro community forests communities and representatives regional and local levels. The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>4. Many local community members are the body of our client’s members who report that information given is not sufficient for them to make any informed decision, nor have meaningful participation to contribute to any decision-making process or to inform any meaningful consent.</p> <p>Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities in their local areas.</p> <p>5. Rather the aspects that potentially affect the Kavango East and West Conservancies and Community Forests Association members and the members of its members are generally relayed in such a manner that the proposed activities is presented as a foregone conclusion and the engagement is sufficient only in order that the proponent may minimally comply with the regulations. In other words, the decisions are imposed on the communities identified mainly for minimal compliance purposes which informs the proponent's "tick the box" approach to regulatory compliance.</p> <p>Community members who have attended the consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities in their local areas. Consultation activities and meetings have been organised in full compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations, 2012.</p> <p>6. Even where village people, invariably some being members of our client, are addressed in meetings, they are promised better economic conditions and the proponent's public relations machine is geared to only provide positive aspects of the proponent's activities and social responsibilities, but neglects to consider the real adverse impacts it has on communities and their protected environments that have been nurtured and laboured for many years in order to acquire rights under the Forest Act and the Nature Conservation Ordinance in the first place, to conduct community forests and communal conservancies.</p> <p>Both positive and negative impacts negative associated with the proposed exploration and appraisal well drilling operations have been presented and discussed with the local communities at all the communities and stakeholder meetings undertaken to date. Based on the findings of the EIA Report and the mitigations measures provided in the EMP Report, and through the effective implementation of the mitigation measures and performance monitoring by the Proponent, the overall likely negative impacts of the proposed prioritised exploration and appraisal wells locations Nos. D1-D6 and G1-G6 and supporting infrastructures such as the new access roads to each of the proposed new well sites, the use of existing borrow pits and other associated services on the receiving environment (physical, socioeconomic, and biological) will be low and localised with medium to low significant negative impacts. The process of clearing the drilling sites, access tracks, and use of existing borrow pits areas as well as actual drilling operations will have localised medium significant negative impacts on the local environment without mitigation. Direct supervision, involvement, and</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>continuous monitoring of the process of clearing of all the drilling sites, access tracks, and borrow pits areas, and actual drilling operations will reduce any likely medium significant negative impacts to localised low.</p> <p>7. The complaint arising is that the information is biased and misleading, with various promises side tracking from the real issues relating to the adverse significant environmental and social impacts at the village or local levels within our client's members community forests.</p> <p>The facts and field-based contents of the EIA, EMP, specialist reports and materials used for consultations have been prepared by an independent and highly qualified and experienced team of consultants. There is no way that facts and field-based contents can be biased and misleading because the information can be validated by any academically trained and experienced true \ real expert in the field.</p> <p>8. To be clear, the consultative meetings held by the proponent at the village level do not provide sufficient information for informed consent. Nor do they address a full demographic profile of people who are affected. Rather the forums are utilised for the proponent to mislead impoverished people by promising jobs, boreholes, school uniforms, soccer balls, covid vaccinations and some mielie or mahangu porridge in exchange for consent.</p> <p>Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities in their local areas.</p> <p>No promises for jobs, boreholes, school uniforms, soccer balls, covid vaccinations and some mielie or mahangu porridge have ever been requested from the local communities in exchange for consent at any of the meetings that have been organised ever since the project started in PEL 73. Please <b><u>PROVIDE EVIDENCE FOR YOUR DEFAMATORY CLAIMS.</u></b></p> <p>9. Much of these aspects, although lauded as social responsibility activities by the proponent are, in any event, an obligation imposed on the proponent in terms of its petroleum agreement with the Government of Namibia in the normal course and are not altruistic measures initiated by the proponent to improve the livelihoods of people that do not facilitate its aim to discover oil for the profit of its directors and shareholders and partners .</p> <p>The petroleum agreement signed between REN and the Government of Namibia does not prescribe the type of corporate social responsibility that a proponent shall implement. Many operators have undertaken oil and gas exploration activities in Namibia and many more continue to do so to this day but none have implemented CSR or ESG projects similar to what REN has done and continue to do in support of the local communities in Kavango East and West Regions. If CSR or ESG were as prescriptive as you claim, we would have seen and would be seeing many more similar community initiatives being undertaken in different parts of the country by previous and current operators, respectively.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>10. The proponent has not sought to properly engage communities in transparent and open consultations with a desire that local community members may have any meaningful impact on decisions which have already been made on their behalf by the proponent.</p> <p>Consultation activities and meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations, 2012. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities. The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>11. For example, in its draft EIA report the proponent states that its consultations are continuing through February 2023, yet it prematurely seeks authorisation for environmental clearance in the absence of full and proper consultation. It does not concern itself whether or not such consent is real. As long as it may tick the regulatory compliance item off its list, it is satisfied that it has complied with the regulation and therefore may do as it pleases or override the concerns that may be raised pursuant to consultative meetings after the clearance certificate are issued. It does not assist parties who have not been consulted to have any meaningful say in the decision where the authorisation to conduct its adverse environmental impact exercises are already granted.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The communities are regarded as the most relevant persons to consult before any exploration activities are conducted. From the attendance register and minutes in our possession consultations did take place with the communities during the period of November and December 2022 and February 2023 who are directly affected by the activities of the proposed drilling operations.</p> <p>The submission of the application for ECC to the Environmental Commissioner in MEFT via MME will be on the 3<sup>rd</sup> March 2023 and communities and stakeholder consultation and engagement processes will continue to be undertaken.</p> <p>12. It is common cause that the proponent has indicated that it intends toward significantly impacting the environment within the Boundaries of Mbeyo Community Forest, Gcwatjinga Community Forest and Ncamogoro Community Forest. For its priority target is the well designated for the Gcwatjinga Community Forest. This aspect, and lack of an</p>



NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>alternative site, along with the lack of consultation with the management body, overrides the purpose of proper consultations with interested and affected parties which is to allow them to exercise their domestic and international law rights to meaningfully engage in environmental decision making in matters which may adversely affect their interests.</p> <p>Community members from the community forest areas of Mbeyo, Gcwatjinga, and Ncamogoro Community Forests who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision in their respective areas about the proposed oil and gas exploration activities. The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>The current well locations D1 and D2 falling within the community forests of Ncamogoro and Mbeyo, respectively are ranked as low priority 3 well-meaning that the likelihood of these well been drilled during the current proposed programme is very low and this is subject to the de-risking results from the ongoing seismic survey and proposed airborne gravity surveys. If a decision to drilled the D1 and D2 wells is made, alternative well locations may be considered. The D5 well is located at the southern boundary of the Gcwatjinga Community Forest and if a final decision to drill this well is made, the well locations may easily be move away from the community forest boundary. However, if there is a need to drill within a community forest there is no prohibition that stops the Proponent from doing so, provided that all the appropriate consents, and permits have been obtained and the mitigation measures as detailed in the EMP are implemented.</p> <p>13. Yet, to date not one of the management committees have been approached for dialogue and consultation regarding the impending harm to be imposed on the Community Forests.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>14. Although the proponent undertakes to conclude the requirements for consultations after it has been authorised to continue its impactful activities, it does not properly inform local level decision making nor does it effectively provide for the attainment of informed consent but rather denies affected and interested parties the opportunity of audi alteram partem in relation to the decisions that are calculated to be imposed on them. There is clearly not intention to give effect to the concerns of our client.</p>

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	<p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>15. It is clear that such an approach is unlawful because it denies any prospective interested and affected parties the right to audi alteram partem and is inconsistent with the tenor of the environmental management laws and principles of fair administration provided in terms of Article 18 of Namibia's Constitution, which essentially demands that consultative processes are to be properly conducted in accordance with law and concluded before an environmental clearance certificate may be issued.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>16. It is therefore submitted that the application for Environmental Clearance is premature in this respect and it is recommended that the application should rather be declined or at the very least to be postponed for further consultation processes to be completed on the basis that until full and proper effect is given by the proponent to thoroughly inform all affected parties and obtain requisite consent in accordance with the universal legal principles that inform the notion of Free, Prior and Informed Consent, the application is premature.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>17. The Environmental Clearance Certificate must be granted only when all requisite legal compliances are met. The proponent does not have carte blanche in terms of its exploration licence to override all other legal requirements imposed on it.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>18. To better illustrate the point being made, and as a matter of fact, as at the 24<sup>th</sup> of February 2023 the last business day prior to the deadline for submissions, no further consultations with any of the potentially affected community forests have taken place regarding the ambitions of the proponent to conduct listed activities in their community forests without prior informed consent.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors</p> <p>19. Even if they are consulted in between they do not have an opportunity to submit comments and concerns which may be relevant to the granting of the Environmental Clearance Certificates.</p> <p>20. It is submitted that the attitude of the proponent is directly reflected by these facts. That attitude is merely and minimally aimed to inform the local communities as to its intent, but does not allow scope for any meaningful participation in the environmental decision making processes that directly affect them because the decision is a foregone conclusion for it and no adverse findings are disclosed.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>21. Clearly there can be no informed consent until the proponent has fully complied with the requirements and obligations imposed on it by properly consulting with those who are directly affected, and not so much as to attend in the main to those stakeholders they have identified which are necessary to co-opt to further the proponent's oil discovery ambitions.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p>

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	<p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>22. The proponent has stated at page 26 /344 (PDF) of its draft EIA report - which has not been made directly available to inform people in its public consultation meetings 1 - that it undertakes that its activities, such as deforestation and clearing vegetation in 3 hectares in 12 locations, apart from the other listed activities, to prepare a drilling pad and operate drilling pad, erecting fences will be done in line with the zoning and management plans of the affected community forest.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>23. These forward-looking statements assume that "consent" will be achieved by hook or by crook. The Draft EIA does not provide any information as to what contingency plan is to be implemented in the event that requisite consent is not obtained. It fails to identify any mitigation measures or compensatory measures to the affected and interested parties and their members. It just assumes it will get the requisite authorisation to bypass the necessity of obtaining consent from the interested and affected community forests.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors</p>

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	<p>24. However, if an Environmental Clearance Certificate Authorises the listed activities the proponent seeks to pursue, there is no obligation on the proponent to consult with affected parties and even if they did, the outcome is a foregone conclusion because it has already been authorised by the Environmental Clearance Certificate. It is a cunning strategy to avoid its legal responsibilities.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors</p> <p>25. To date, it is our instructions that no dialogue has been undertaken between the proponent in order to establish whether or not the community forest areas it has earmarked are zoned for oil exploration activities or for the purpose of conducting a community forest and if so what the management plan provides to enable oil and gas exploration to be in line with it.</p> <p>These documents are made available for registered stakeholders for downloading by way of internet. Rural communities at ground zero of the proponent's operations do not have such facilities at all. The files are large format to prevent them being disseminated and circulated by way of email or other electronic media. Copies of the documents have not been made available to any of the parties allegedly consulted.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p>

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	<p>26. Although, unlike Section 34(1) of the Communal Land Reform Act which serves to protect the integrity of the Management Plans, agreements have been concluded between our clients' and Minister of Forest, Environment and Tourism, the relevant Traditional Authority and regional council which obliges them to comply. These have effectively ratified the forests' management and use plans and any future land use decision that serves to undermine those agreements require the consent of all parties to vary the terms and conditions.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors</p> <p>27. Is accordingly submitted and recommended that continued participatory consultation and clarification is needed with further information disseminated and proper meetings must be held with our client's members in order for the Community Forest Members and committees to be properly informed and effectively involved in the decision-making process which adversely affect their interests.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>28. They should be able to anticipate and plan for the forthcoming intrusion and adverse impacts gifted to them by the proponent in their community forests. A failure to do so is tantamount to denying our clients the right to sanctity of contract and fair administrative decision-making contrary to Article 18 of the Namibian Constitution.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p>

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	<p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors</p> <p>29. It is recommended that this approach will ensure that the rule of law is upheld. It will also ensure that the proponent meets all of its domestic and international obligations, affording affected parties with a full right to audi alteram partem, and full compliance with all of Namibia's relevant laws before an Environmental Clearance Certificate may be issued in respect of the activities proposed that affect the affected and interested parties' interests. The affected community forests are Ncamagoro Community Forest, Mbeyo Community Forest and Gcwatjnga community Forest.</p> <p>Consultation meetings were held in compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities.</p> <p>The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors</p> <p><b>RIGHTS TO OCCUPY COMMUNAL LAND</b></p> <p>30. At page 39 of 344 (PDF) at paragraph 1.2.4.4 and elsewhere, the proponent has undertaken to acquire surface rights with full consent and lawful authorisation.</p> <p>31. In order to obtain this authority, the proponent describes how it intends to circumvent the provisions of the Communal Land Reform Act, which affords a certain measure of protection for communal conservancies and community Forests and the local communities who reside there. (See paragraph 26 above)</p> <p>32. Because there is a procedure that is designed by the legislation to guarantee that the rights and interests of existing communal land occupiers are not adversely affected it is recommended that the proponent is not exempted by way of an environmental clearance certificate, from lawful compliance.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>33. The Petroleum (Exploration and Production) Act, 1991 (Act 2 of 1991) at Section 16 provides that "The holder of a licence shall not exercise any rights conferred upon him or her by this Act or under any terms and conditions of such licence in on or under any (i) town or village;</p> <p>(ii) Land comprising a public road, aerodrome, harbour, railway or cemetery; (iii) land used or reserved for any governmental or public purpose."</p> <p>34. Communal Land vests in the state and in terms of Section 17 of the CLRA, is reserved for public purpose and is held in trust for advancement of the public interest unless the prior approval of the Commissioner granted by notice in writing and subject to such conditions as may be specified in such notice;</p> <p>35. In the absence of such notice the Communal Land Reform Act stipulates the manner of acquisition of rights to occupy communal land. No person, including the proponent may occupy communal land without a registered land right. Any person who does so, violates the statute.</p> <p>36. It is trite that when a right to a leasehold is applied for, the procedure is clearly set out in the communal Land Reform Act and its accompanying regulations. A chief, headman or Traditional Authority is bound by that act. It may not exercise any powers that it does not have in terms of its enabling statute. It is unlawful for an organ of state to act ultra vires, or beyond the powers conferred on it.</p> <p>37. No Traditional Authority, Chief or Head or headman may authorise any person to occupy communal land without further ado. There are proper procedures stipulated and which are imperative to follow before any person may acquire a substantive and lawful right to occupy communal land.</p> <p>38. Apart from community-based organisations such as communal conservancies and community forests established for the local community members who already have existing land rights it is only the Communal Land Reform Act which determines the manner in which rights to occupy communal land are lawfully acquired.</p> <p>39. While the Communal Land Reform Act, 5 of 2002 (CLRA) extends certain powers to Traditional Authorities to administrate certain limited aspects of communal-land governance it has no powers to bestow any land rights on any person in the absence of the ratification of a right by the Communal Land Boards established under Section 2 of the CLRA.</p> <p>40. Furthermore the CLRA Act confers specific and exclusive land right types which may be obtained.</p>



NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p>Section 43 (1) Communal Land Reform Act S of 2002) (CLRA)</p> <p>41. Outside of the rights under Section 28 dealing with existing rights, Section 21 dealing with Customary law Rights, Leasehold Rights under Section 30 and lately introduced Occupational Rights, no further land rights lawfully exist on communal land.</p> <p>42. Neither does a headman. A traditional Authority is empowered to allocate land only to the extent that it may allocate (i.e point out and consent to) a right to apply to the Communal Land Board for either a customary law right or it may consent to a leasehold area on communal land after proper consultation with the local community. (Occupational Rights do not find relevance here). It is only the Communal Land Board which may ratify such allocation or consent and confer any substantive land rights in the spectrum of rights to occupy communal land on any person.</p> <p>43. The CLRA prescribes a number of steps that must be taken before any allocation can be made. For example, all applications for any land right require that a written notice be placed on the notice board of the TA and CLB for at least 7 days.</p> <p>44. A key part of that notice is the invitation of objections, and if objections are received the TA or CLB must conduct a hearing and otherwise follow the prescribed procedures before any decision can be made.</p> <p>45. Since the client and its members have concern that the proposed activities will conflict with the agreed forest management plans, they are entitled to due process of law in this regard. The Environmental Clearance Certificate cannot authorise the proponent to occupy communal land. This process applies equally to the erection of fences on communal land.</p> <p>46. Since the proponent does not qualify for a customary law land right, because it does not have any rational lawful claim to a customary land right or an existing customary land right, and it is not a community based or public interest organisation, it is left with only one option and that is to apply for leasehold rights to occupy 12 x 3Ha drilling pads and to fence them if it has authorisation to do so.</p> <p>47. Its proposed fence around the drilling pad is clearly not an "exempt" fence and should only be erected when authorisation to do so is granted. Anything less is a violation of the statute and is not to be circumvented by the granting of an environmental clearance certificate because the Environmental Commissioner does not have any powers to condone such non-compliance with the laws or otherwise override provisions of statutes.</p>

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p>48. In order to acquire such rights, the proponent first has to make applications to the Kavango East Communal Land Board to occupy those areas of communal land in terms of a lease agreement which authorises it to conduct its activities in terms of the use purpose of the leasehold.</p> <p>49. The parties to the Forest Management Agreement must agree to vary the terms to accommodate the proponent's ambitions.</p> <p>50. It does not state in the draft EIA report under submission, whether these compliances have been satisfied, however, since there has been no consultation with our client and its members, no further terms have been agreed.</p> <p>51. It follows that if an Environmental Clearance Certificate is issued to authorise such unlawful occupation and illegal fencing by the proponent, it is respectfully submitted, such an authorisation will, in any event, be unlawful and void ab initio and subject to review or appeal.</p> <p>52. It is recommended that the proponent rather apply for the requisite authorisations prior to seeking environmental clearance to allow it to conduct its proposed activities.</p> <p>53. The proponent also clearly, by its premature application, intends to circumvent the strict prescripts of the Communal Land Reform Act by seeking to obtain consent from existing leaseholders without ascertaining whether it is even permissible to do so in law.</p> <p>54. Unless the lease agreement stipulates the conditions under which leasehold rights includes for purposes of oil exploration, such rights may not be exercised by the lessee and the lessee can transfer no more rights to the proponent that he or she or it has under the lease. Additionally, unless the leaseholder is a community-based organisation it may not sublease leased communal land to the proponent.</p> <p>55. In the premises, the proponent asks the Environmental Commissioner to authorise that which is deemed illegal under statutory law to avoid compliance with the peremptory measures the legislature has put into place to ensure that communal land rights of local communal land communities are protected and acquisition thereof is guided by law, not by patronage.</p> <p>56. It is therefore strongly recommended, in the circumstances, that the Environmental Commissioner decline the application for environmental clearance for want of legal compliance; or</p> <p>57. Postpone the application until such a time that the proponent has acquired the necessary rights to occupy and fence communal land and obtained proper informed consent from the affected community forests management committees on</p>

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p>behalf of their members or otherwise properly dealt with any dispute that arises, and has contingency plans in place in the event that such consent is refused.</p> <p><b>RESPONSES RIGHTS TO OCCUPY COMMUNAL LAND 30-57</b></p> <p>The drilling of multiple exploration and appraisal wells within the AOI in PEL 73 falls within the communal land of Kavango East and West Regions administered by various traditional authorities through Regional Communal Land Boards. Communal Land is land that belongs to the state and is held in trust for the benefit of traditional authorities. Communal land cannot be bought or sold but a part thereof can only be given as customary land right or right of leasehold in accordance with the Communal Land Reform Act (Act 5 of 2002). The proponent REN has continuously complied with the provisions of the Act and various other pieces of legislation in all its exploration activities. This includes land user rights granted by landowners, traditional authorities and through application of leasehold rights.</p>
<p>3. Andy Gheorghiu Feb 24, 2023, 6:13 PM</p>	<p>Submission: ECC FOR THE PROPOSED DRILLING OF THE PROPOSED D1-D6 AND G1-G6 EXPLORATION AND APPRAISAL WELLS WITH SUPPORTING INFRASTRUCTURE SUCH AS BORROW PITS, ACCESS ROADS, AND RELATED SERVICES IN KAVANGO SEDIMENTARY BASIN PEL NO: 73 Fri, Feb 24, 6:13 PM</p> <p>with reference to the still valid content of my attached submission (transmitted in December 2022 in relation to the Draft Environmental Scoping Report for Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for multiple wells with supporting infrastructure, I submit the following statement:</p> <p>1. No ECC can and should be granted as long as:</p> <p>1.1. the UNESCO and IUCN requests for a robust transboundary environmental impact assessment and a moratorium on the current oil/gas plans of ReconAfrica have not been properly addressed and implemented.</p> <p>The environmental assessment process assesses the overall severity of potential positive and negative environmental impacts on the receiving local (drill sites), regional (Kavango East and West Regions), national (Namibia) and transboundary (KAZA TFCA) and global environment as provided for in the EIA and EMP and accompanying specialist studies. Based on the findings of the EIA and EMP Reports have been prepared detailing the mitigation measures that the proponent shall implement in minimising and maximizing the likely effects of negative and positive impacts that maybe associated with the drilling of multiple exploration and appraisal wells within PEL No: 73. Mitigation measures for possible impacts on groundwater, surface water, and soil from the project area are outlined in the Environmental Management Plan.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>Neither the EAP (Risk Based Solutions) nor the Proponent (REN) is opposed to any Strategic Environmental Assessment (SEA) to be undertaken. However please take note that a SEA is not a pre-requisite for undertaking EIA and EMP for oil and gas exploration in a licensed area in Namibia.</p> <p>With regards to statements issued by international organisations (IUCN, UNESCO etc) the State as the signatory to these organisations and conventions is the only organisation that has rights to respond to their statements. However please take note that the approval of the EIA and EMP in the Republic of Namibia is guided by the EMA 7 of 2007 and other relevant national legislation and does not require approvals of international NGOs and International Governmental organisations.</p> <p>1.2. the concerns of the UN's Committee on the Elimination of Discrimination against Women (CEDAW) (check concluding observations - 82nd session) with regard to women's rights impacted by climate change and fossil fuel extraction in Namibia have not been properly addressed.</p> <p>1.3. The High Court has not decided on the landgrab/crop field feud case brought forward by Mr Andreas Sinonge. Reminder: "Andreas Sinonge petitioned the High Court last year to have the land board be part of the court proceedings citing that the land being disputed falls within its jurisdiction. Furthermore, the land board is yet to consider ReconAfrica's application for registration and ratification of the land rights. Thus, the outcome of the matter will have a direct impact on Recon's application."</p> <p>1.4. the Minister of Environment Forestry and Tourism has not addressed the official requests to review the granting of ReconAfrica's Environmental Clearance Certificate (and its extension), or has provided a clear Record of Decision (ROD) as to why he will not do so.</p> <p>1.5. a decision has not been made over the bill of costs which is set down for taxation at the High Court on the 16th May 2023 (see attached Notice of Taxation and <a href="https://www.we.com.na/justice-we/reconafrika-case-a-state-capture2023-02-22">https://www.we.com.na/justice-we/reconafrika-case-a-state-capture2023-02-22</a>)</p> <p>2. Furthermore and again with reference to my attached submission, I want to also highlight the following:</p> <p>2.1. In the Final Draft Environmental Impact Assessment (EIA) Report for Drilling of Multiple Wells With Supporting Infrastructure, (available here) you highlight under "6.7.22 Likely Negative Impacts of Loss of Well Control and Oil Spill" (Page 297)</p> <p>"The most prevalent drilling hazards are associated with abnormal pressures and Hydrogen Sulphides. These two (2) operational challenges and risks can be caused by various factors including: Geological faults and structures, pipe</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>sticking and drill pipe failures, lost circulation, borehole deviation, pipe failures, borehole instability, formation contamination, hydrogen sulphide or other gas, hydraulic fracturing, buried valleys, and man-made features."  One wonders why you have to highlight that fracking can cause drilling hazards if fracking is no issue in the Kavango?</p> <p>The activities covered by the EIA and EMP are exclusively exploration appraisal activities. Fracking is not an exploration activity and at no point does the EIA or EMP mention fracking as part of the planned drilling of the proposed multiple exploration and appraisal wells and supporting infrastructure such as borrow pits, access roads and related services in Kavango Sedimentary Basin PEL No: 73.</p> <p>2.2. In the Annex 3 - REN Best Practices for Onshore Oil and Gas Exploration (available here) ReconAfrica writes FAQs:</p> <p>"ReconAfrica is conducting a conventional oil exploration program. To date, ReconAfrica has been granted licence by Namibia to explore and confirm the resource, we have no licence to produce or frac. And if this exploratory phase confirms an environmentally and economically viable reserve, Namibian authorities will determine if and how it will extract that resource."</p> <p>2.2.1 According the ReconAfrica's website, the company clarifies that:</p> <p>Following declaration of a commercial discovery, the Petroleum Agreement entitles ReconAfrica to a production licence having a 25-year term.</p> <p>It is therefore clear that - although ReconAfrica does not have the license yet - it is very much entitled to a production licence of at least 25 years.</p> <p>It is important to note that Namibian legislation is explicit on the difference between exploration and production phase of a given project. Therefore, there are requirements for separate Environmental Impact Assessments and other relevant permits for the two phases.</p> <p>2.2.2 The statement "if this exploratory phase confirms an environmentally and economically viable reserve, Namibian authorities will determine if and how it will extract that resource" does not exclude fracking at all. It just says that Namibian authorities will have to decide about allowing or excluding fracking (which could be synonymous with allowing or rejecting exploitation in general).</p> <p>The activities covered by the EIA and EMP are exclusively exploration appraisal activities. Fracking is not an exploration activity and at no point does the EIA or EMP mention fracking as part of the planned drilling of the proposed</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>multiple exploration and appraisal wells and supporting infrastructure such as borrow pits, access roads and related services in Kavango Sedimentary Basin PEL No: 73.</p> <p>I strongly emphasize again the points above as well as listed in my attached submission and respectfully ask you to reject ReconAfrica's application.</p> <p>Please confirm the orderly and timely delivery of my submission.</p> <p>My best regards Andy Gheorghiu</p> <p><b>Thank you for your input.</b></p>
<p>4. Andy Gheorghiu – Dec 2022 Re-submission</p>	<p><u>In your June 2019 final Environmental Impact Assessment (EIA) Report to support the application for Environmental Clearance Certificate (ECC) for the drilling of multiple stratigraphic wells you wrote:</u></p> <p><u><i>“The survey and analysis confirm that the <b>Kavango Basin</b> reaches depths of up to 9.144 km (30,000 feet), under optimal conditions to <b>preserve a thick interval of organic rich marine shales</b> and is anticipated to hold an active petroleum system.</i></u></p> <p><u><i><b>Reconnaissance Energy Namibia (Pty) Ltd has interpreted high resolution aero magnetic data documenting a very deep untested Kavango Basin with optimal conditions for preserving a thick interval of organic rich marine shales in the lower portion of the Karoo Super Group ...”</b></i></u></p> <p><u>Recon Africa has constantly and repeatedly highlighted the fact that they’re after the shale play. Any so-called conventional resources would be merely a by-catchi. Recon also confirms the need for fracking operations in the July 2020 report where the company also compares the Kavango Basin with the Karoo/Permian Whitehill Basin in South Africa.ii What's really worrying, is that Recon is very confident to get access to water over the envisaged production period of at least 25 years – although they are clearly operating in a very arid area:</u></p> <p><b>It is important to note that Namibian legislation is explicit on the difference between exploration and production phase of a given project. Therefore, there is a requirement for separate Environmental Impact Assessments and other relevant permits for the two phases. This includes footprint for each phase including layout and development plan and positive and negative impacts inclusive of mitigation measures. Therefore, the comments on oil production and possible footprint/impacts are not part of this exploration and appraisal EIA and EMP. It is also important to note that Namibia and South Africa have different legislation and policy frameworks.</b></p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p><u>"Of tremendous concern in South Africa is water, a significant requirement for unconventional plays requiring fracture stimulation. Shell is looking at conservation, recycling, and brackish water as to not compete with locals for fresh water resources. ReconAfrica's situation is significantly better in that surface rights and access are held by the government, and abundant ground water supplies should be a source of building, not breaking, relationships with the local population. (page 17)"</u></p> <p>The drilling of the proposed exploration and appraisal wells Nos D1-D6 and G1-G6 within the area of interest in PEL 73 will not result in groundwater pollution because each of the proposed wells are fully engineered and regulated infrastructures with multiple barriers such as casing and cement liners protecting water resources. RENs Water Management Plan includes groundwater assessments, hydrocensus, monitoring and mitigation. The company is working closely with representatives from the Ministry of Agriculture, Water and Land Reform (MAWLR), Namwater, Regional Authorities, Traditional Authorities and experts and interested stakeholders in protecting water resources found in Kavango West and East Regions. The water management programme has three key objectives: aquifer protection, surface water and drainage management, sustained protection of no-go zones such as 10km buffer created along the Okavango River.</p> <p><u>In your current draft Environmental Scoping Report for Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for the drilling of multiple exploration and appraisal wells with supporting infrastructure, you confirm that Reconnaissance Energy Namibia (REN) will be using a shale-control mud to seal microfractures and coat shale surfaces (pages XIV and 102).</u></p> <p><u>You also explain that "most shales have very low permeability, but relatively good porosity" and that this is the „reason for fracking to allow oil or gas to flow to hole if discovered in a shale rock) but – contrary to all the references and firm claims made in reports and presentations by ReconAfrica and your own reports before – you say that "at present Namibia does not have any onshore oil or gas discovery and yet alone in a reservoir with limited connectivity abilities and requiring fracking to produce or pump it" (page 91. This doesn't really exclude the necessity of fracking operations in the case of oil/gas findings and looks rather like an unfortunate wording aimed at blurring the obvious: <b>Fracking was and will be at stake in the case of oil/gas findings in the Kavango!</b></u></p> <p>Please take note that the activities covered by the EIA and EMP are exclusively exploration appraisal activities. Fracking is not an exploration activity and at no point does the EIA or EMP mention fracking as part of the planned drilling of the proposed multiple exploration and appraisal wells and supporting infrastructure such as borrow pits, access roads and related services in Kavango Sedimentary Basin PEL No: 73. Furthermore, this argument ignores the extensive provisions of the EIA and EMP of description and analysis of impacts on all components necessary or desirable in accordance with the EMA and its Regulations. Please also take note that the relevant legislation and policy framework for oil and gas exploration and production is different in Namibia and South Africa respectively.</p>

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p><u>The needed industrialisation that goes along with the envisaged production phase of at least 25 years must be considered as part of this scoping report. The current application for “<i>multiple exploration and appraisal wells with supporting infrastructures such as borrow pits, access roads, and related services</i>” <i>already</i> gives a glimpse into the foreseeable industrialisation of the impacted biodiversity areas. This must be addressed in an orderly and comprehensive manner.</u></p> <p><i>It is important to note that Namibian legislation is explicit on the difference between exploration and production phase of a given project. Therefore, there is a requirement for separate Environmental Impact Assessments and other relevant permits for the two phases. This includes footprint for each phase including layout and development plan and positive and negative impacts inclusive of mitigation measures. Therefore, the comments on oil production and possible footprint/impacts are not part of this exploration and appraisal EIA and EMP. The EIA and EMP are for drilling of the proposed multiple exploration and appraisal wells with supporting infrastructures such as borrow pits, access roads and related services in Kavango sedimentary basin Petroleum Exploration License (PEL) No. 73, Kavango West and East Regions, Northern Namibia.</i></p> <p><b><u>Strategic Environmental Assessment and Moratorium on current Exploration Phase required– UNESCO’s and IUCN’s Calls</u></b></p> <p><u>To truly assess the cumulative impacts of ReconAfrica’s plans in the Okavango basin, a transboundary Strategic Environmental Assessment is required and must be rapidly conducted. In July 2021, UNESCO adopted the following decision during the extended 44th session of the World Heritage Committee:</u></p> <p><i>“... Expresses concern about the granting of oil exploration licenses in environmentally sensitive areas within the Okavango River basin in north-western Botswana and north-eastern Namibia that could result in potential negative impact on the property in case of spills or pollution;</i></p> <p><i>Urges the States Parties of Botswana and Namibia to ensure that potential further steps to develop the oil project, which include the use of new exploration techniques, are subject to rigorous and critical prior review, including through Environmental Impact Assessment (EIA) that corresponds to international standards, including an assessment of social impacts and a review of potential impacts on the World Heritage property.</i></p> <p><b><u>Requests furthermore the State Party to submit to the World Heritage Centre, by 1 February 2022, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 45th session.”</u></b></p> <p><u>The urgent need for action to protect the Okavango from oil and gas exploitation was also expressed during the World Congress of the International Union for Conservation of Nature (IUCN) that took place in September 2021 in Marseille. Motion 136iv points to the human and indigenous rights aspects of the case, raises the climate change urgency and refers to UNESCO’s request calling on Namibian and Botswana to conduct a proper EIA “prior to any further exploration</u></p>



NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p><i>and any future development of oil and gas resources and other extractive activities in and/or affecting the Okavango River basin and its people.”</i></p> <p><u>In the February 2022 State of Conservation Report, the Government of Botswana acknowledged the concerns raised by the World Heritage Committee and promised that a “rigorous and critical Environmental Impact Assessment is a prerequisite to any intrusive development in the area.”. Botswana also pledged to monitor prospecting and mining activities within the Okavango River Basin and „to continue the engagement of Angola and Namibia on the management of the shared waters of the Cubango-Okavango River Basin. “</u></p> <p><b><u>The current application of ReconAfrica for Environmental Clearance Certificate of multiple exploration and appraisal wells must be rejected and a robust strategic environmental assessment – as required by UNESCO and IUCN – must be conducted first.</u></b></p> <p>The environmental assessment process assesses the overall severity of potential positive and negative environmental impacts on the receiving local (drill sites), regional (Kavango East and West Regions), national (Namibia) and transboundary (KAZA TFCA) and global environment as provided for in the EIA and EMP and accompanying specialist studies. Based on the findings of the EIA and EMP Reports have been prepared detailing the mitigation measures that the proponent shall implement in minimising and maximizing the likely effects of negative and positive impacts that maybe associated with the drilling of multiple exploration and appraisal wells within PEL No: 73. Mitigation measures for possible impacts on groundwater, surface water, and soil from the project area are outlined in the Environmental Management Plan.</p> <p>Neither the EAP (Risk Based Solutions) nor the Proponent (REN) is opposed to any Strategic Environmental Assessment (SEA) to be undertaken. However please take note that a SEA is not a pre-requisite for undertaking EIA and EMP for oil and gas exploration in a licensed area in Namibia.</p> <p>With regards to statements issued by international organisations (IUCN, UNESCO etc) the State as the signatory to these organisations and conventions is the only organisation that has rights to respond to their statements. However please take note that the approval of the EIA and EMP in the Republic of Namibia is guided by the EMA 7 of 2007 and other relevant national legislation and does not require approvals of international NGOs and International Governmental organisations.</p>
<p>5. Natural Justice esjtrust1@gmail.com</p> <p>Rob Parker <a href="mailto:robaxon88@gmail.com">robaxon88@gmail.com</a></p>	<p><b>Introduction</b></p>

NAME / ORGANISATION	COMMENT/ RESPONSES
Submitted: Mon, Feb 27, 4:57 PM	<ol style="list-style-type: none"> <li>1. We refer to the above matter and advise that Natural Justice: Lawyers for Communities and the Environment is a non-profit organisation specialising in environmental and human rights law in Africa – with a focus on the pursuit of social and environmental justice for local and indigenous communities.</li> <li>2. Natural Justice offers direct support to indigenous peoples and local communities impacted by the ever-increasing demand for land and resources, through legal empowerment. Natural Justice also conducts comprehensive research on environmental and human rights laws, as well as engaging in key national and international processes with, for and alongside indigenous peoples and local communities.</li> <li>3. It is our privilege to submit the attached comments and submissions on behalf of Sonner Geria, Tertu Fernandu and Kileni Fernando, the interested and affected parties herein.</li> <li>4. Sonner Geria is from the Khwe Indigenous community and reside in Bwabwata National Park. They are traditionally territorial hunter-gatherers and have lived in the area for millennia. An estimated 6000 Khwe live in the Park with other groups.</li> <li>5. Tertu Fernandu and Kileni Fernando are from the !Xung Indigenous community, a group of San peoples.</li> <li>6. These submissions reflect the concerns and needs of the abovementioned parties, and we hope that they will be taken into consideration as your firm undertakes to objectively and properly inform the Environmental Commissioner in decision making on matters of environmental sustainability in relation to the proposed project.</li> <li>7. Undoubtedly, identification and mitigation or abandonment of potentially significant adverse impacts on the natural environment and social organisation of indigenous peoples and local communities will allow the Environmental Commissioner to best serve the public interests and the natural environment when considering the potential adverse impacts and associated harms of the proposed activities and mitigation and management strategies with reference to the concerns, comments and recommendations of the local communities.</li> <li>8. We would also like to note that the interested and affected parties herein make common cause and support the submissions filed evenly herewith by the “Legal Assistance Centre”, a similar public interest organisation, on behalf of various other affected parties relating to the short comings that are noted in their submissions regarding the draft environmental assessment report and its management plan.</li> <li>9. In light of Regulation 21(3) of the EMA regulations, we would be pleased if you would also accordingly simultaneously with the lodging of these submissions and recommendations, ensure that Natural Justice is included and registered in your interested and affected parties database alongside the parties Natural Justice represents herein.</li> </ol> <p style="color: red;">Neither the PEL 73 boundary nor the proposed D1-D6 and G1-G6 exploration and appraisal wells locations fall in the Khwe Indigenous area in Bwabwata National Park. National proclaimed protected areas are excluded from oil and gas exploration licensed areas and PEL 73 does not cover Bwabwata National Park. The proposed D1-D6 and G1 to G6 exploration and appraisal wells falls within the Shambyu and Mbunza Traditional Authorities and specifically covering the following areas (Please refer to the location maps provided in the EIA and EMP Reports):</p> <ul style="list-style-type: none"> <li>❖ D1 Well - Ncamagoro Community Forest</li> <li>❖ D2 Well-Mbeyo Community Forest</li> </ul>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<ul style="list-style-type: none"> <li>❖ D3 Well-Gcaru Village Well Site</li> <li>❖ D4 and D4-1 Well-Falls near the Naingopo Village</li> <li>❖ D5 Well-Southern of the edge of Gcwatjinga Community Forest</li> <li>❖ D6 Well-Farm 1529</li> <li>❖ G1 Well-Falls near the Hamweyi Village</li> <li>❖ G2 Well-Farm 1562</li> <li>❖ G3 Well-Farm 1564</li> <li>❖ G4 Well-Farm 1565, and</li> <li>❖ G5 Well-Farm 1567.</li> </ul> <p><b>The EIA’s assessment of fauna impacts is inadequate.</b></p> <p>10. The EIA’s conclusions about impacts to fauna are based on extremely limited fieldwork assessments that do not provide the Environmental Commissioner with an accurate baseline. The EIA concludes that the likely negative environmental impacts on mammals are “improbable” and will be “very short” in duration and “mild” in intensity, if they materialise. The EIA likewise concludes that the likely negative environmental impacts on avian species are “improbable” and will be “very short” in duration and “low” intensity, if they materialise. The EIA reaches these conclusions without proper substantiation.</p> <p>A detailed specialist fauna, flora and habitat study has been undertaken inclusive of site level assessments and reports for each well location. Based on the specialist reports the EIA assessed the potential impacts on fauna and flora by the proposed exploration activities. The EMP provides mitigation measures for these potential impacts. Section 5.3 in the EIA report lays out the methodology on how the potential impacts of the proposed exploration activities on fauna and flora were assessed. These includes small mammal transects to determine small mammal diversity in the AOI, assessment of large mammal presence in the area, reptile and amphibian transects to determine reptile and amphibian diversity in the area, bird transects to determine avian diversity in the area, Tree/shrub diversity to determine flora diversity, grass transects to determine diversity.</p> <p>As part of this project, a wildlife monitoring programme has been initiated between the proponent and the Ministry of Environment Forestry and Tourism (MEFT) with the objectives of continuous monitoring of fauna and flora and mitigating any potential impacts. Furthermore, REN is working closely with MEFT on the identification of wildlife migration routes and corridors in Kavango East and West. This is an ongoing activity and as part of the project collaring of wildlife was undertaken from September to November 2022. Data from the collared wildlife is used for monitoring wildlife movements and determine potential impacts of the exploration activities on wildlife. In addition, annual game counts are undertaken to determine population dynamics of different species within the PEL. 73 as part of the implementation of the Environmental Management Plan. Please take note that in addition to the detailed</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>literature review field assessments have been undertaken in the AOI since 2018 by the specialist including field work in 2021, 2022 and January 2023. Therefore, relevant information and data has been collected over an extended period of time. Monitoring and mitigation of potential impacts on fauna and flora continues with all exploration activities and hence data will continue to be collected throughout the exploration period.</p> <p>11. The wet season fauna baseline study mentions a “rapid fieldwork assessment” that took place over six days between 13 and 18 November 2022, and then a “rapid site assessment conducted on 21 January 2023 to identify, count, mark and plot the most important and largest protected tree species on site.” Based on the description of the field surveys completed, it does not seem like wet season assessments were done to determine fauna impacts. The five-day “rapid fieldwork assessment” seems to constitute the full extent of the dry season field survey, since the field survey methodology in Annex 4-1 lists the same dates in November as Annex 4-2.</p> <p>Both the wet and dry season assessments were done to determine fauna and flora diversity in the area and assess possible impacts (Wet and Dry Season reports are available as part of the EIA and EMP). Dry and wet assessments were undertaken in November-December 2022 and January-February 2023 respectively. Both the EIA and EMP details potential impacts and mitigation measures on fauna and flora. In addition, game counts and fauna and flora monitoring activities are undertaken as part of the implementation of the Environmental Management Plan by the proponent with collaboration with MEFT and assistance from Risk Based Solutions. Please take note that in addition to the detailed literature review field assessments have been undertaken in the AOI since 2018 by the specialist including field work in 2021, 2022 and January-February 2023 covering both fauna and flora. Therefore, relevant information and data has been collected over an extended period of time. Monitoring and mitigation of potential impacts on fauna and flora is part of the implementation of the Environmental Management Plan and is a continuous activity implemented in tandem with all exploration activities.</p> <p>12. The reports acknowledge that several endangered and critically endangered bird species are present (e.g., the white-backed vulture – listed as endangered under Namibian law, and critically endangered internationally), but it makes no attempt to map their occurrence or reliance on the drill site areas or assess the cumulative impact of drilling in all twelve sites. Similarly, Annex 4-2 notes that farmer Von Wiellig in the G4 area “confirmed elephant, spotted hyena, African wild dog, caracal, leopard and small-spotted genet have been observed on his farm since 2003.” Figure 6.6 in the EIA also shows dry and wet season elephant sightings in the context of the well drilling locations, including very close to G2-G6 sites. Yet, the EIA does not assess potential impacts on elephants, or the other species previously observed.</p> <p>Assessment of larger mammals from the AOI was conducted by traversing the area on foot and included actual sightings, tracks, scats and other signs – e.g., burrows, scrapes, carcasses, etc. Furthermore, information on wildlife sightings was obtained from farmers and local communities. These activities yielded the data and information which</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>are provided in the flora and fauna specialist reports. Potential impacts on mammals are provided and analysed in the EIA and mitigation measures are provided in the EMP.</p> <p>As part of this project, a wildlife monitoring programme has been initiated between the proponent and the Ministry of Environment Forestry and Tourism (MEFT) with one of the key objectives anchored on the identification of wildlife migration routes and corridors in Kavango East and West. This is an ongoing activity and as part of the project collaring of wildlife was undertaken from September to November 2022. In addition, game counts and fauna and flora monitoring activities are undertaken as part of the implementation of the Environmental Management Plan.</p> <p>13. Moreover, the EIA has failed to study how drilling multiple exploratory and appraisal wells, as well as building supporting infrastructure such as borrow pits and the extension of access roads can fragment habitat, even if temporarily, and change species competition and ecosystem balance. When workers prepare the areas of interest for site construction, well construction and access roads extensions and other forestry and bush clearings, this leaves breaks or separations in ecosystems. The site constructions and forestry and bush clearing for roads and site infrastructure itself may generally affect the size of wildlife populations, the location of herds, and their traditional migratory paths. Habitat fragmentation from increased vehicular activity during the exploratory well drilling or from the increased human presence drawn to the area as discussed in the socio-economic section were not assessed.</p> <p>Detailed assessment of each of the potential 12 potential wells was undertaken to determine and understand the habitat and potential impacts at site level. Section 5.3 of the EIA details the habitat, flora and fauna at regional and site level. In the EMP section 2.3.4.7 details the critical habitats within the AOI. Table 2.3 presents summary results of potential significant impacts that the drilling of the proposed exploratory and appraisal wells will have on the components of the receiving environment including habitat and wildlife. Table 3.8 and 3.9 in the EMP presents mitigation measures for the management of likely negative impacts on flora and fauna around the general operational, drill sites and supporting infrastructure areas. No new roads will be developed, and the exploration activities will continue to use available infrastructure. The EIA and EMP also makes provision for rehabilitation and reclamation of the sites beyond exploration to work with communities to develop possible projects on the sites that would benefit the local community including possible reforestation of the impacted areas.</p> <p>As indicated above as part of this project, a wildlife monitoring programme has been initiated between the proponent and the Ministry of Environment Forestry and Tourism (MEFT) with one of the key objectives anchored on the identification of wildlife migration routes and corridors in Kavango East and West. Several species such as elephant, crocodiles and wild dogs have been collared or are in process of getting collars as part of the wildlife monitoring programme of the EMP.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>14. It is important to note that the fauna and flora annexes both cite to several “unpublished” reports by Cunningham, including those from 2022 pertaining to the proposed drill sites. Because these reports do not appear to be publicly available, even if they were more comprehensive, I&amp;APs are unable to ascertain if the reports are peer-reviewed and are not able themselves to ascertain the veracity of the information contained in them.</p> <p>Previous specialist reports by Cunningham were undertaken as part of the EIA and EMP for exploration activities undertaken within the AOI at the time. The reports were availed to the stakeholders who registered for those EIA processes. Therefore, it is neither the proponent nor the EIA assessment practitioners’ fault that IAPs did not register for the previous undertaken EIAs. However, all the specialist reports for the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for drilling of the proposed multiple exploration and appraisal wells with supporting infrastructures such as borrow pits, access roads and related services in Kavango sedimentary basin Petroleum Exploration License (PEL) No. 73, Kavango West and East Regions, Northern Namibia are available and have been shared with stakeholders. The reports include the Dry and Wet season fauna and flora assessments undertaken from 2022 to 2023. In addition, site level fauna and flora reports are also available for all proposed 12 well sites. These reports have been availed to all registered IAPs as well as key stakeholders such as government ministries and departments, communities, Traditional Authorities, and regional government leadership for the two regions and Community Based Organisations.</p> <p>15. In addition to failing to assess key impacts, the EIA also fails to make provision for mitigatory measures. Despite noting that “all the equipment will be operational 24 hours a day,” the EIA does not assess impacts from noise, light, and dust on biological functions of fauna, such as communication, breeding, nesting, and foraging behaviour. The EMP accordingly does not identify any mitigation measures to ensure that such long hours of operation will not significantly impact fauna species in and near the drilling areas, with the exception of using focused lighting instead of brighter spotlights and “noise screens if required.”</p> <p>Both the flora and fauna dry and wet seasons specialist and EMP Reports provided for detailed mitigation measures.</p> <p>16. Annex 4-1 on the dry season field-based assessment states that “increased traffic along [the well drilling] access route could lead to increased mortalities . . . and illegal collection of mammals as food (e.g. various ungulates) or trade (e.g. pangolin).”<sup>10</sup> The EMP is targeted at preventing collection by contractors and staff (as opposed to <i>third parties</i> who are not working on the drilling sites) and otherwise only vaguely promises that REN will somehow “prevent the setting of snares for ungulates (i.e., poaching) or collection of veld foods (e.g., tortoises, monitor lizard) . . . or any form of illegal hunting activities.”</p> <p>The EMP implementation includes a dedicated fauna and flora monitoring programme including awareness raising to both staff of the proponent (REN), subcontractors and local communities. Training and awareness raising on</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>wildlife, forestry and antipoaching has been undertaken with REN staff, subcontractors and local communities with participation of the MEFT. Further trainings and awareness are planned for the 2023 calendar year.</p> <p><b>The EIA fails to provide a comprehensive assessment of climate impacts.</b></p> <p>17. The EIA fails to consider or attempt to calculate the greenhouse gas emissions that would result from the project, which puts it out of line with best practice EIAs from around the world today. Most EIAs would require a specialist report to calculate emissions from the project. Instead, the EIA merely states: “The drilling and supporting equipment will locally emit greenhouse gases and various air contaminants, including sulphur oxides, nitrogen oxides, carbon monoxide and particulate matter. “Not only is the lack of attempt to calculate a precise greenhouse gas footprint from the project problematic, however, but this list of climate emissions entirely neglects to mention those that would result from well-testing. If oil and gas are indeed discovered, well-testing would likely result in significant emissions as the gas from the well is flared. This flow testing would last for between 10 and 30 days, according to the EIA, but the EIA also leaves space for other tests, which may result in additional emissions that are nowhere mentioned in the EIA. Thirty days of flaring significant levels of gas would have a major climate impact that is not mentioned or mitigated in the EIA or EMP.</p> <p>The perceived greenhouse emissions footprint will be negligible given the size of the exploration activities. Section 6.7.23 in the EIA report provided the likely negative impacts of the exploration activities on climate change. Gas flaring is the burning of natural gas over a very short period of not more than thirty (30) days as part of the appraisal activities and this will only take place only in event of a commercial discovery. Therefore, there is no gas flaring perceived to occur throughout the drilling operations with respect to the proposed exploration and appraisal period.</p> <p>18. The EIA also only analyses climate impacts that will result directly from the proposed drilling activities, even though the goal of the exploratory and appraisal drilling is production. The narrow scope of the climate impacts assessment leads the EIA to conclude that “there will be no long-term Climate Change impacts at local, regional (Kavango East and West Regions), national (Namibia) and global cumulative impacts following cessation of the proposed drilling operations activities.” The emissions associated with the proposed drilling, however, though important to assess, constitute only a fraction of the climate impacts of the purpose for which REN is conducting the exploratory and appraisal drilling. Furthermore, the current exploration programme intends to identify exploitable (commercial) quantities of oil or gas which it intends to support its efforts to produce new oil and or gas reserves for consumption and export to new markets. These will invariably result in negligible climate inducing emissions.</p> <p>The EIA and EMP is for exploratory and appraisal activities that will be undertaken in the area of interest and not for oil or gas production. Once oil or gas reserves are confirmed further permitting will be required including a new EIA and EMP for the production phase which will include the calculation of both the area and carbon footprint of</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>the project. The perceived greenhouse emissions footprint will be negligible given the size of the exploration activities.</p> <p>19. As a party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, Namibia has committed to limiting the increase in the global average temperature to well below 2°C and to pursue efforts to limit the temperature increase to 1.5°C.</p> <p>20. According to recent reports by leading energy experts, development of new gas fields at this time is incompatible with a 1.5°C pathway. See, for example, the following:</p> <p><i>capital and operational expenditures for the exploration and extraction of oil and gas in new fields—which are incompatible with selected IPCC and IEA 1.5°C pathways—are expected to reach USD 570 billion annually by 2030 (Rystad Energy, 2022). By themselves, these investments would suffice to bridge the entire investment gap for wind and solar in 2030. Preventing investments in any oil and gas fields beyond those already under development is essential to limiting temperature rise to 1.5°C, and could additionally free up a significant sum of capital required to fill the wind and solar investment gap.”</i></p> <p><i>Beyond projects already committed as of 2021, there are no new oil and gas fields approved for development in our pathway, and no new coal mines or mine extensions are required. The unwavering policy focus on climate change in the net zero pathway results in a sharp decline in fossil fuel demand, meaning that the focus for oil and gas producers switches entirely to output – and emissions reductions – from the operation of existing assets.</i></p> <p>The draft EIA recognizes that “Namibia is one of the highly vulnerable nations [to climate change], such that even a 1.5°C increase in global temperature will have severe local impacts, negatively affecting the agriculture, water, health, and biodiversity sectors. “The EIA further lists “natural land and forest degradation due to climate change” among “the current common general threats to the natural environment and habitats of the general project area inclusive of the drilling sites and the areas surrounding the well locations. “The EIA also acknowledges that “local land uses and livelihood in the general area are depended on . . . conservancies and forestry conservation and natural resources harvesting,” among other things.</p> <p>21. Despite these acknowledgements and aforementioned expert analyses, REN is pursuing new oil and gas exploration, and, ultimately, production. The EIA’s description of climate impacts must be based on a comprehensive life-cycle assessment, including upstream and downstream emissions and impacts associated with future production and ancillary activities. The EIA must also consider the ways these impacts from climate change on the region are and will affect the exploration projects specifically, and any future production efforts, and how the projects may affect the vulnerability of local populations and ecosystems to climatic change, both of which are also standard practice in EIAs around the world today, including in neighbouring South Africa. The EIA cannot conclude that the project’s</p>



NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>[or the activity's] climate impacts are acceptable if its cumulative impacts are, according to climate experts, [likely to be] incompatible with the goals of the UNFCCC and Paris Agreement, which Namibia has ratified, as well as at odds with Namibia's obligation under international law to protect human rights against the foreseeable threat of climate change.</p> <p>The perceived greenhouse emissions footprint will be negligible given the size of the exploration activities.</p> <p><b>The EIA fails to properly assess and mitigate harms to groundwater, surface water, and soil from the project.</b></p> <p>22. The EIA states that, "The drilling of the proposed exploration and appraisal wells Nos. D1-D6 and G1-G6 within the AOI in PEL No. 73 will not result in groundwater pollution because each of the proposed wells are fully engineered and regulated infrastructures with multiple barriers such as casing and cement liners protecting water resources. "However, this assurance neglects the reality that oil and gas wells around the world, even those using the same or even better technologies to prevent leakage, often result in the migration of formation and fracking operation materials into underground aquifers. This migration can result from a lack of a perfect seal between the well and the formation, creating a gap into which methane and hazardous fluids can travel, from casing failures over time or resulting from seismic activity, or other issues in well pressure. Thus, dismissing any risk to groundwater associated with the activities because of the barriers and liners ignores that these same barriers and liners have failed around the world and that there is a risk they will do the same here.</p> <p>What is stated above are theorised assumptions that have never been validated and lacks site-specific knowledge-based facts about the local geology, hydrogeology and hydrogeology of the area. To the contrary, the EIA assessed facts based on the geological, hydrogeological and hydrological information from the previous water boreholes and oil and gas drilling operations undertaken in the area. The assertion for ground water contamination presented above does not take considerations the engineered barrier / mitigation measures such as casing, cement, ERP and OSCP. The EIA Report has been prepared and has assessed all the negative impacts and has identified those impacts with significant influence on the receiving environment by considering the sources of impact, pathways or routes through which the impacts will reach the local or regional receptors of concern such as groundwater. The mitigation measures aimed at reducing the significant of the negative impacts have been proposed and are contained in the EMP Report to implemented and monitored by the Proponent (REN).</p> <p>23. The EIA states that "Like most oil and gas wells, the rocks being drilled through for the three exploratory wells are environmentally benign and any fluids encountered while drilling stay in the formation due to the equivalent circulating density of the drilling fluid system. "This is simply a false statement about the rocks and formation fluids that result from oil and gas drilling. Contrary to the suggestion that they are "environmentally benign," and will "stay in the formation," fluids from the formation routinely are brought up as part of drilling and testing, and are</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>typically high in salts, heavy metals, and radioactive material. These materials are in fact very hazardous, and must be treated as such, including through technologies such as advanced technologies such as membrane separation/distillation, forward osmosis, mechanical vapor compression, electrocoagulation, advanced oxidation, and adsorption-biological treatment.</p> <p>What is stated above are assumptions that have never been validated and no site-specific knowledge-based facts about the local geology of the areas have been presented. To the contrary, the EIA assessed facts based on the site-specific geological information from the previous well drilling operations undertaken in the area.</p> <p>24. The EIA states that “The organic, biodegradable, water-based drilling fluid system that minimizes environmental impacts mud circulation is a closed loop with the return mud going back to the mud tanks. This system incorporates the latest technologies for both safe drilling and surface/subsurface environmental protection. Once drilling is complete, the remaining fluid can be recycled or used as a soil enhancement/fertilizer for agriculture. The fluid will biodegrade, yielding no toxic or damaging byproduct.” Once again, the statement that the fluid will biodegrade and not be toxic ignores the scientific research on this topic. The muds will be, according to the EIA, Polyamine/ Polymer/ partially-hydrolyzed polyacrylamide (PHPA) water-based drilling mud. According to research on polyacrylamide muds, they present several risks to local ecosystems and people. One study shows that they do not biodegrade as claimed, while others state that degradation of PHPA, rather than leading to the creation of a benign fertilizer, actually increases the mobility of the PHPA and leads to the release of acrylamide monomer, a known toxin and potential carcinogen. As a result of this, another study states that “the main challenge is the removal or degradation of HPAM in an environmentally safe manner from the produced water before proper disposal.” These studies suggest that proper biodegradation of the PHPA will not happen on its own, but rather requires very specific treatment processes to break the carbon backbone of the molecule. Therefore, spreading drill cuttings and muds filled with PHPA on local fields would cause long-term toxic harm to local farmers, including potentially exposing them to significant carcinogens. This risk must be reassessed, and a plan for mitigating the toxic and carcinogenic impacts of this mud system must be in place before any drilling goes forward.</p> <p>A full description and assessment have been providing in the EIA Report and mitigation measures are detailed in the EMP. There is no need for reassessment without any facts been presented to the contrary.</p> <p>25. The EIA states that a bentonite clay/gel liner will be used for the piton the drill pad. Tanks are considered much safer for holding wastewater and drill cuttings, and therefore the proponent is not aligned with best practice in this regard. Flash flooding in the region, likely to increase with climate change, can easily carry the toxic materials in the pit into local waterways and pollute local soils. Where pits are used, best practice dictates that there should be two layers to the liner to prevent seepage into groundwater, with monitoring between the liners. Moreover, the pit should be covered in mesh netting, in addition to the fencing around the facility, to prevent the entry of fauna that</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>would be poisoned by exposure to or consumption of the liquids in the pit. These should be included as mitigation measures in the EMP and EIA.</p> <p>A full description and assessment have been providing in the EIA Report and mitigation measures are detailed in the EMP. There is no need for reassessment without any facts been presented to the contrary.</p> <p>26. Well testing could last for up to 30 days, according to the EIA, though it leaves space for other kinds of testing as well. That means that any hydrocarbons found would be brought to the surface over this extended period of time. Yet the EIA provides no detail on the quantities of oil that might be produced from this process and would therefore need to be contained, nor how this oil will be managed on site, transported, and disposed of or used. The hydrocarbons that come out of the formation pose risks to local soils and groundwater if they are not properly managed, and the EIA and EMP should include clear processes for minimizing risk from this management and mitigating any harms from spills of these formation hydrocarbons specifically.</p> <p>The perceived greenhouse emissions footprint will be negligible given the size of the exploration activities. Section 6.7.23 in the EIA report provided the likely negative impacts of the exploration activities on climate change. Gas flaring is the burning of natural gas over a very short period of not more than thirty (30) days as part of the appraisal activities and this will only take place only in event of a commercial discovery. Therefore, there is no gas flaring perceived to occur throughout the drilling operations with respect to the proposed exploration and appraisal period.</p> <p>Mitigation measures in place as part of the EMP to mitigate any potential impacts that any emanate from the planned exploratory and appraisal drilling activities. Therefore, any potential impacts of the process will be contained and managed on site. Please refer to Table 3.11, 3.12, 3.14 and 3.16 in the EMP on the mitigation actions that will be employed to mitigate any potential impacts. The EIA also includes the Oil Spill Contingency Plan in Section 3.4.2.</p> <p><b>The EIA did not adequately assess the air quality impacts of the project.</b></p> <p>27. The air quality impacts of the project are not quantified within the EIA. This is out of line with best practice EIAs from around the world, which not only consider the air quality impacts of the project but model the health impacts of these emissions on local populations. Instead, the EIA merely mentions some of the emissions from the project and claims they will be insignificant with no quantitative analysis to support this conclusion.</p> <p>Section 6.7.17 of the EIA assesses and analyses the likely negative impacts of emissions and influence on air quality. Furthermore, mitigation measures are provided for in the EMP (See Table 3:17 in the EMP.)</p> <p>28. Not all air quality impacts from the project are considered in the EIA. For example, emissions of methane and volatile organic compounds associated with off-gassing of drilling muds and fluids and produced water, as well as</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>with any oil, gas, and gas liquids brought up as part of well testing, are not included in this assessment. The air emissions associated with the flaring of gas for up to 30 days that could result from well testing are nowhere mentioned in the EIA, let alone quantified.</p> <p>Section 6.7.17 of the EIA assesses and analyses the likely negative impacts of emissions and influence on air quality. Furthermore, mitigation measures are provided for in the EMP (See Table 3:17 in the EMP.) The perceived greenhouse emissions footprint will be negligible given the size of the exploration activities.</p> <p><b>The EIA is not based on meaningful consultation with stakeholders.</b></p> <p>29. It is important to highlight the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which sets out international human rights standards relating to indigenous peoples' rights. Namibia voted in favour of the declaration in 2007. Article 26 of UNDRIP asserts the right of indigenous peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Article 32 affirms that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and resources and that States shall consult and co-operate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources particularly in connection with the development, utilization or exploitation of mineral, water or other resources.</p> <p>Consultation activities undertaken for this project are in full compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities. The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>30. Informed consent requires an understanding of both the positive and negative aspects of a project. The air quality, water quality, and soil impacts and risks from the project described in the sections above were not, according to Annex 7 of the EIA, included in community consultations on the projects. Furthermore, topics of discussion did not include the cultural or other interests of indigenous peoples and local communities. Rather, the only potential negative impacts about which people were explicitly warned in each presentation were those from clearing of land – and even those were presented in a beneficial light and as short-term impacts. These critical gaps in the</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>presentations contravene the requirement under Section 21(6)(a) of the 2012 EIA Regulations that “information containing all relevant facts in respect of the application is made available to potential interested and affected parties.” It is critical that stakeholders be given complete information to assess the risks and benefits of a given project completely before they are asked to provide consent for the use of their land, and so that they are completely informed of how their local environment, livelihoods, and health may be affected over the short and long term as a result of the project. The consultations did not discuss how the purpose of the project, which is to discover hydrocarbons to potentially begin producing oil and gas, could radically alter their landscape and way of life. Without disclosing how this project can open the door to different land uses—changing agricultural lands to an oil and gas field that will potentially displace local people or cause them harm—the project did not obtain free, prior and informed consent of the affected communities. Further, the proponent has not sought to properly engage communities in transparent and open consultations with a desire that local community members may have any meaningful impact on decisions which have already been made on their behalf by the proponent. For example, in its draft EIA report the proponent states that its consultations are continuing through February 2023, yet it prematurely seeks authorisation for environmental clearance in the absence of full and proper consultation. It does not concern itself whether such consent is real. It does not assist parties who have not been consulted to have any meaningful say in the decision where the authorisation to conduct its adverse environmental impact exercises are already granted.</p> <p>Consultation activities undertaken for this project are in full compliance with the provisions of the Environmental Management Act, 2007 and the EIA Regulations. Community members who have attended our consultation meetings have had meaningful participation and fully empowered to make informed decision about the proposed oil and gas exploration activities. The local communities consulted are the ones responsible for directing the management committees of the Community Forests on key issues that the communities would want the management committees to address. Such community directive is done in writing as provided for in the Community Forests Constitutions. The management committees have no unilateral powers over the local communities hence it is imperative that the local communities are consulted together with the management committees, traditional authorities, Village Development Committees (VDCs) and Councillors.</p> <p>31. The Human Rights elements contained within Articles 5, 6, 7 and 8 of the Namibian Constitution, as well as the principles of environmental management outlined in 3(2) of the Environmental Management Act, were not considered within the EIA and EMP report. The EIA does not assess how the project would affect indigenous peoples and local communities’ socio-economic, environmental, health, or cultural interests.</p> <p>The EIA fully assessed the communities’ socio-economic, environmental, health, or cultural interests with field-based socioeconomic survey and archaeological and cultural specialist assessment undertaken.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>32. The draft EIA notes that the D1 and D2 well locations fall within the Ncamagoro and Mbeyo Community Forests, and D5 – a key priority well “likely to be drilled” – “falls inside the southern margin/boundary of the Gwatjinga. The EIA summarily claims that oil and gas activities “shall be done in line with the provisions of a given community Forestry . . . zone management plan but does not otherwise attempt to evaluate the potential for conflict with the community’s use of the area for their livelihoods and management of natural resources. This is a key omission.</p> <p>Chapter 5.2 of the EIA Report provide detailed description of the regional and local land uses (Sets the field-based knowledge-based baseline) and Section 6.7.10 of the EIA Report provides for the assessment of the likely Impacts on existing infrastructure, current and future land uses.</p> <p>33. The EIA also states that the “majority of the indigenous Namibians [are] swimming in inherited generation poverty. However, the EIA report does not list the indigenous peoples and local communities in the area that may be affected by the project. Nor does the EIA list what indigenous peoples and local communities ‘concerns are. The EIA fails to study how any of the environmental, socio-economic, cultural or archaeological impacts could impact indigenous peoples and local communities’ rights to protection of life, protection of liberty and respect for human dignity. A lack of appreciation of these fundamental components of human rights within this environmental assessment process, lies counter to Namibia’s obligations as outlined in its own constitution and its regional and international obligations thereby rendering REN’s application legally flawed.</p> <p>The proposed D1-D6 and G1 to G6 exploration and appraisal wells falls within the Shambyu and Mbunza Traditional Authorities and specifically covering the following areas (Please refer to the location maps provided in the EIA and EMP Reports):</p> <ul style="list-style-type: none"> <li>❖ D1 Well - Ncamagoro Community Forest</li> <li>❖ D2 Well-Mbeyo Community Forest</li> <li>❖ D3 Well-Gcaru Village Well Site</li> <li>❖ D4 and D4-1 Well-Falls near the Naingopo Village</li> <li>❖ D5 Well-Southern of the edge of Gwatjinga Community Forest</li> <li>❖ D6 Well-Farm 1529</li> <li>❖ G1 Well-Falls near the Hamweyi Village</li> <li>❖ G2 Well-Farm 1562</li> <li>❖ G3 Well-Farm 1564</li> <li>❖ G4 Well-Farm 1565, and</li> <li>❖ G5 Well-Farm 1567.</li> </ul> <p>The EIA fully assessed the communities’ socio-economic, environmental, health, or cultural interests with field-based socioeconomic survey and archaeological and cultural specialist assessment undertaken.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>34. Indigenous peoples and local communities, such as the Khwe and! Xung communities who are both groups of San peoples, depend on nature as a way of life and have done so for thousands of years as they have lived on their ancestral land. Younger generations are taught about various plants and herbs which are used for medicinal purposes, as well as learning animal behaviours and how to coexist with wildlife. Subsistence and small-scale farming have formed the backbone of the local economy for thousands of years. Plants and herbs are harvested and sold, concession hunting is observed and other materials from nature are used to make crafts and baskets which are also sold to generate an income. The EIA fails to adequately assess how the clearing of vegetation, the building of access roads and other activities related to the project will impact the cultural and spiritual practices of indigenous peoples and local communities as well as their ability to maintain a livelihood as a result of the impact on the movement of wildlife and the destruction of vegetation. Failure to adequately assess the impacts of the project on cultural and spiritual practices would amplify the loss of traditional knowledge which these communities are already experiencing. Similarly, failure to assess the impacts of the project on the livelihoods of these communities would reinforce the “generational poverty” the EIA references.</p> <p>Neither the PEL 73 boundary nor the proposed D1-D6 and G1-G6 exploration and appraisal wells locations fall in the Khwe Indigenous area in Bwabwata National Park. National proclaimed protected areas are excluded from oil and gas exploration licensed areas and PEL 73 does not cover Bwabwata National Park. The proposed D1-D6 and G1 to G6 exploration and appraisal wells falls within the Shambyu and Mbunza Traditional Authorities and specifically covering the following areas (Please refer to the location maps provided in the EIA and EMP Reports):</p> <ul style="list-style-type: none"> <li>❖ D1 Well - Ncamagoro Community Forest</li> <li>❖ D2 Well-Mbeyo Community Forest</li> <li>❖ D3 Well-Gcaru Village Well Site</li> <li>❖ D4 and D4-1 Well-Falls near the Naingopo Village</li> <li>❖ D5 Well-Southern of the edge of Gwatjinga Community Forest</li> <li>❖ D6 Well-Farm 1529</li> <li>❖ G1 Well-Falls near the Hamweyi Village</li> <li>❖ G2 Well-Farm 1562</li> <li>❖ G3 Well-Farm 1564</li> <li>❖ G4 Well-Farm 1565, and</li> <li>❖ G5 Well-Farm 1567.</li> </ul> <p>The EIA fully assessed the communities’ socio-economic, environmental, health, or cultural interests with field-based socioeconomic survey and archaeological and cultural specialist assessment undertaken.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>35. Khwe community members also fear that the proposed project, in its totality, would contribute to and worsen the effects of climate change already experienced by their communities. They have specifically observed changes in weather patterns with heavier rains being experienced. As noted in the EIA, indigenous peoples and local communities' livelihoods are dependent on subsistence agriculture. Heavier rains cause crop damage and soil erosion which also brings with it the risk of flooding. The damage to crops and the erosion of soil leads to reduced productivity/yield which directly contributes to food insecurity and malnutrition experienced by these communities.</p> <p>Neither the PEL 73 boundary nor the proposed D1-D6 and G1-G6 exploration and appraisal wells locations falls in the Khwe Indigenous area in Bwabwata National Park. National proclaimed protected areas are excluded from oil and gas exploration licensed areas and PEL 73 does not cover Bwabwata National Park. The proposed D1-D6 and G1 to G6 exploration and appraisal wells falls within the Shambyu and Mbunza Traditional Authorities and specifically covering the following areas (Please refer to the location maps provided in the EIA and EMP Reports):</p> <ul style="list-style-type: none"> <li>❖ D1 Well - Ncamagoro Community Forest</li> <li>❖ D2 Well-Mbeyo Community Forest</li> <li>❖ D3 Well-Gcaru Village Well Site</li> <li>❖ D4 and D4-1 Well-Falls near the Naingopo Village</li> <li>❖ D5 Well-Southern of the edge of Gcwatjinga Community Forest</li> <li>❖ D6 Well-Farm 1529</li> <li>❖ G1 Well-Falls near the Hamweyi Village</li> <li>❖ G2 Well-Farm 1562</li> <li>❖ G3 Well-Farm 1564</li> <li>❖ G4 Well-Farm 1565, and</li> <li>❖ G5 Well-Farm 1567.</li> </ul> <p>The EIA fully assessed the communities' socio-economic, environmental, health, or cultural interests with field-based socioeconomic survey and archaeological and cultural specialist assessment undertaken.</p> <p>The impact of the project on climate change and contribution to Greenhouse Gases emission is negligible. Furthermore, Namibia is not an Annex 1 emitter country under the United Nations Framework Convention on Climate Change and hence its main focus is on climate change adaptation (as the country total GHG emissions are negligible). Annex 1 countries have responsibility to adopt national policies and take corresponding measures on the <u>mitigation of climate change</u> by limiting their anthropogenic emissions of greenhouse gases as well as to report on steps adopted with the aim of returning individually or jointly to their 1990 emissions levels. Therefore, climate change mitigation in Namibia is voluntary and not mandatory. Importantly, Namibia emits only very small quantities of GHGs. In 2019 (prior to Covid) Namibia ranked as the 137th largest emitter accounting for just 0.01% of global emissions. Namibia's negligible contribution to GHG emissions and the</p>



NAME / ORGANISATION	COMMENT/ RESPONSES
	<p data-bbox="712 153 2027 288">fact that the country as a whole absorbs more carbon than it emits suggests devoting scarce resources to GHG mitigation is not optimal from a global perspective as mitigation resources are likely to make a far greater impact in other countries in terms of emissions abated per dollar spent. The focus should rather be on maintaining or enhancing its characteristic of being a net carbon sink.</p> <p data-bbox="622 323 2027 727">36. Indigenous peoples and local communities rely heavily on groundwater as it is one of the main sources of water for household use. Groundwater is used for drinking, the irrigation of backyard gardens and livestock consumption. Although the EIA and EMP provide for measures to be implemented which would reduce the risk of oil spills, the risk does still exist. Should both groundwater and surface water be polluted through an oil spill or the improper disposal of wastewater or other hazardous chemicals, the harm these communities would face would be immeasurable given their limited access to resources. Similarly, contamination of rivers and damage to aquatic ecosystems/life would be detrimental to the lives of local and indigenous communities. Oil as well as other hazardous waste can be washed into rivers during water run-offs in rainy seasons, resulting in water pollution. Communities use river water for consumption and other household purposes. The EIA notes that access to clean drinking water is a major challenge for many communities in Kavango West and East Regions. Due to the challenges already faced by these communities in accessing clean drinking water and the risks associated with that water being contaminated, a risk-averse approach should be adopted.</p> <p data-bbox="667 762 2027 1066">The drilling of the proposed exploration and appraisal wells Nos D1-D6 and G1-G6 within the area of interest in PEL 73 will not result in groundwater pollution because each of the proposed wells are fully engineered and regulated infrastructures with multiple barriers such as casing and cement liners protecting water resources. RENS Water Management Plan includes groundwater assessments, hydrocensus, monitoring and mitigation. The company is working closely with representatives from the Ministry of Agriculture, Water and Land Reform (MAWLR), NamWater, Regional Authorities, Traditional Authorities and experts and interested stakeholders in protecting water resources found in Kavango West and East Regions. The water management programme has three key objectives: aquifer protection, surface water and drainage management, sustained protection of no-go zones such as 10km buffer created along the Okavango River.</p> <p data-bbox="622 1101 1480 1134"><b>The EIA fails to adequately assess cumulative impacts of the project.</b></p> <p data-bbox="622 1169 2027 1401">37. The Constitution together with the EIA regulations, requires that EIAs include, amongst other things, an assessment of the nature, extent, duration and significance of the consequences for or the impacts on the environment of that activity, including the cumulative impacts. An “assessment report must contain all information that is necessary for the Environmental Commissioner to consider and to make a decision on the application.” Information that is ‘necessary’ includes information that is reasonably foreseeable. The EIA regulations define “cumulative effect” as “the effect of an activity that in itself may not be significant but may become significant when added to the existing and potential effects eventuating from similar or diverse activities or undertakings in the area. The EIA itself notes</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>that “[c]umulative impacts are those impacts which result from the incremental impact of the proposed activities (incremental impacts of drilling of the proposed prioritised D1-D6 and G1-G6 exploration and appraisal sites within AOI PEL No. 73) when added to other past, present, and reasonably near future activities.”</p> <p>The assessment of the likely negative cumulative impacts is provided in Section 6.7.24 of the EIA Report with respect to the proposed prioritised D1-D6 and G1-G6 exploration and appraisal sites within PEL 73 which have nothing to do with the nonexistence oil and gas production.</p> <p>38. Although the EIA at page 302 rates cumulative impacts as negligible and considers the cumulative impacts on the habitats, flora species, ecosystem functions, services, use values and non-use, physiography and geological resources, water, and water supply infrastructure vulnerability within AOI in PEL No. 73 as insignificant, it does so without an adequate assessment or evaluation of the extent and scope of likely gas and/or oil extraction and likely construction of gas and/or oil infrastructure associated to production particularly in the context of reasonably foreseeable future activities that will overlap with future activities such as agriculture, tourism, community conservation, forestry, and the expansion of new settlements or land allocations.</p> <p>The assessment of the likely negative cumulative impacts is provided in Section 6.7.24 of the EIA Report with respect to the proposed prioritised D1-D6 and G1-G6 exploration and appraisal sites within PEL 73 which have nothing to do with the nonexistence oil and gas production. There is nothing to extract and no such license for production exists in PEL 73. The assessment of the individual and cumulative negative impacts has been based on field-based site-specific knowledge-based that has been created by various specialist consults during the desktop and field-based assessment.</p> <p>39. An EIA that makes an arbitrary and artificial distinction between the impacts of oil and gas exploration and the impacts of oil and gas production deprives the Environmental Commissioner of ‘all the information that is necessary for [the] relevant authority to make a decision. REN wishes to explore for oil and/or gas for the sole purpose of discovering deposits that can then be exploited. The legislative framework itself indicates that a production right flows directly from an exploration right, meaning that the two processes are inextricably linked. The Petroleum (Exploration and Production) Act, 1991 closely connects the rights of exploration with production by granting a holder of an exploration right the right to apply for, and be granted, a production right. In fact, the EIA provides that the Petroleum Agreement entitles REN to apply for a production licence having a 25-year term. Further, the fiscal terms of the Petroleum Agreement call for a corporate income tax of 35%, royalty of 5%, and an additional profits tax that applies late in the life of a producing field. The impacts related to production activities are reasonably foreseeable, intended impacts eventuating from exploration. If the impacts and risks associated with production are unacceptable, then any and all risks and impacts associated with exploration activities are unnecessary, undesirable, and completely avoidable.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>The assessment of the individual and cumulative negative impacts has been based on field-based site-specific knowledge-based that has been created by various specialist consults during the desktop and field-based assessment. The EIA is not based on arbitrary and artificial distinction between the impacts of oil and gas exploration and the impacts of oil and gas production. The EIA is based on fully field-based validated knowledge-based and it does not cover oil production because there is no commercial oil or gas to be produced and the Proponent does not have a production license.</p> <p>40. The narrow scope of the EIA report deprives stakeholders, I&amp;APs and decision-makers from understanding and commenting on the full dimensions of the proposed activities, including further exploration phases and commercial production activities as reasonably foreseeable future actions intended by Recon Africa which will have present and reasonably near future impacts on habitats, flora species, ecosystem functions, services, use values and non-use values, physiography and geological resources, water, and water supply infrastructure vulnerability.<sup>54</sup> This includes potential future impacts associated with gas infrastructure, climate impacts of indirect CO<sub>2</sub> and methane emissions from the combustion of oil and gas that would be recovered. The proposed exploration activities are an intended precursor to another, more direct and extensive polluting activity.</p> <p>The EIA is based on fully field-based validated knowledge-based and it does not cover oil production because there is no commercial oil or gas to be produced and the Proponent does not have a production license.</p> <p>41. Additionally, the EIA fails to assess the cumulative impacts associated with those phased aspects of the operation that have already occurred, including under the 2019 well drilling ECC which authorized the drilling for several wells on a number of community farms to any depths until 26 August 2022 and 2021 seismic survey ECC along a 450 km route over their exploration licence area (and subsequent amendment thereof).</p> <p>The completed activities have no active impact on the receiving environment, they are no longer likely sources of impact.</p> <p>42. Without a more detailed assessment to inform a decision to authorise exploration activities, the Environmental Commissioner cannot consider all relevant factors, as required by section 15(2) of the EIA regulations (2012) as well as section 33(2) of the Environmental Management Act. Accordingly, a decision to authorise the proposed exploration activities would be irrational.</p> <p>The EIA Report provides a detailed, complete and comprehensive field-based validated knowledge-based of the proposed activities and the receiving environment with positive and negative impacts assessment fully assessed. Mitigation measures are provided in the EMP. Both the EIA, EMP and specialist studies reports contains sufficient and compressive assessment that will enable the Environmental Commissioner to make well informed decision based on fact not fearmongering, assumptions and deliberate false and baseless statements.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p><b>The EIA fails to assess need and desirability of the project.</b></p> <p>43. The Environmental Impact Assessment failed to conduct a need and desirability analysis, violating the minimum requirements of the 2012 Environmental Impact Assessment Regulations. An environmental impact assessment must have, among other things, “a description of the need and desirability of the proposed listed activity and identified potential alternatives to the proposed listed activity, including the advantages and disadvantages that the proposed activity or alternatives have on the environment and on the community that may be affected by the activity.” In order to understand the need and desirability, the project should assess consistency with applicable laws, guidelines, and regulations.</p> <p><b>Provided under Chapter 2- EIA approach and methodology and done inline with the provisions of the Environmental Management Act, 2012, Act No. 7 of 2012 and the EAI Regulations, 2012.</b></p> <p>44. The current draft of the EIA at pages 119-124 broadly describes the national legislative context, listing various governing legislative frameworks. It is important to note that this list is not comprehensive, leaving out relevant policies such as the SADC Green Economy Strategy and Action Plan, AU Climate Change and Resilient Development Strategy and Action Plan, and National Renewable Energy Policy for Namibia, which includes pursuing climate-resilient energy sector development through renewable energy. Even where the EIA appropriately identifies applicable policy and legislation, it does so without contextualising the need and desirability of these activities in light of the available global science that has established that the use of gas is unlikely needed nor desirable in the African context.</p> <p><b>The Environmental Management Act, 2012, Act No. 7 of 2012 and the EIA Regulations, 2012 as well as applicable national regulations are the key guiding document. An AU or SADC or national policy document is not legal instrument. Policy documents contains statement principles and a broad course of action adopted by the AU or SADC or national government in pursuit of a specific objective. They are used to guide decision making towards the achievement of a stated outcome.</b></p> <p>45. Because many of Africa's gas reserves are undeveloped and in deep or ultra-deep water or located in difficult geological conditions, the process of putting gas discoveries into production will need a considerable commitment of money and effort and could take decades. Namibia will need to sink significant amounts of capital investment to constructing its LNG facilities in order to bring its LNG terminals to fruition for the purposes of exports to foreign markets, since liquifying gas and building the shipping infrastructure is particularly resource-intensive and can take many years, perhaps decades, to come online. These lengthy lead up times, and the amount of investment required, brings into question Namibia's ability to ramp up production and exports to meet the current market conditions. Proposed exploration activities also take place months and sometimes years after the need and desirability</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>assessment is undertaken, with extraction and production occurring only years later. Therefore, the proposed exploration project in no way provides a remedy for current energy insecurity issues in Namibia.</p> <p><b>The above statement has no factual bases and absolutely irreverent with respect to the proposed project activities.</b></p> <p>46. Namibia needs to transition now to renewable energy sources if the country intends to adhere to its international climate commitments AND [to] avoid the risk of stranded assets. It is important to reiterate that the transition to renewable energy sources is necessary not just for climate commitments, but to meet energy access needs and satisfy the 2030 sustainable goal to right to energy access in Namibia.</p> <p><b>Please refer to Section of the EIA Report 6.7.23 Likely Negative Impacts on Climate Change.</b></p> <p>For the first time, renewable power generation met 100% of global electricity demand growth in 2022, halting a rise in fossil fuel usage. As renewable technologies become more affordable and widespread, they will displace fossil fuels in the global energy system, shrinking the export market for gas and increasing the risk of stranded assets.</p> <p>47. Moreover, the EIA does not discuss how the proposed project, whose purpose is to survey for petroleum, aligns with the Kavango-Zambezi Transfrontier Conservation Area's goal of achieving the "best conservation and tourism models for the socio-economic wellbeing of the communities". The EIA does not also discuss how the proposed project's purpose aligns with the government's policy on Community Based Natural Resource Management (CBNRM). CBNRM has been developed as a sustainable development programme from which indigenous peoples and local communities have been able to derive equitable social and economic benefits, with the intention to create long term sustainability, good governance and proper management of the CBNRM programme for the benefit of all Namibian citizens.</p> <p><b>Fully addressed, please refer to the EIA Report Section 5.2 Regional and local land uses</b></p> <p>48. In light of the above, the failure of the draft EIA to assess need and desirability within the context of regional and national strategies and plans, renders it deficient in at least the following respects: (1) it justifies the need and desirability of the proposed project with reference to ostensible, unvalidated benefits of exploiting oil or gas resources but fails to assess or take account of the negative impacts that are inextricably linked with the long-term environmental and socio-economic impacts stemming from exploitation of oil and gas resources following a successful acquisition of data;62(2) and it is focused only on the exploratory drilling activities, and fails to consider that oil or gas exploitation, and the impacts associated with exploitation, is the intended consequence of production and further downstream impacts.63 Even though the Report attempts to limit its focus solely to the exploration stage, the production of gas is a foreseeable and likely outcome if exploration is successful. Lastly it fails to assess climate change consequences relating to further production, distribution, and consumption activities and whether these developments align with Namibia's climate change commitments.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p data-bbox="667 188 2018 252">Provided under Chapter 2- EIA approach and methodology and done in line with the provisions of the Environmental Management Act, 2012, Act No. 7 of 2012 and the EAI Regulations, 2012.</p> <p data-bbox="622 288 1402 320"><b>The EIA does not adequately assess alternatives to the project.</b></p> <p data-bbox="622 357 2018 555">49. An environmental impact assessment must evaluate the proposed activity’s “alternatives . . . with a view to minimise the effects of activities on the environment and to maximise the benefits.” The term “alternatives” is defined as “different means of meeting the general purpose and requirements of the activity, which may include alternatives to . . . the type of activity to be undertaken . . . [and] the technology to be used in the activity.”<sup>65</sup> The alternatives analysis must evaluate “advantages and disadvantages that the proposed activity or alternatives may have on the environment and the community that may be affected by the activity.”<sup>66</sup></p> <p data-bbox="667 592 2018 655">Provided under Chapter 2- EIA approach and methodology and done in line with the provisions of the Environmental Management Act, 2012, Act No. 7 of 2012 and the EAI Regulations, 2012.</p> <p data-bbox="622 692 2018 826">50. When discussing the consideration of alternatives and the no-go option, the EIAR fails to indicate whether all alternative activities apart from oil and gas exploratory drilling were considered, but it also fails to provide an adequate analysis of the negative environmental harms the proposed drilling may have on the environment and the communities particularly with respect to climate change.</p> <p data-bbox="667 831 1771 863">Please refer to Section of the EIA Report 6.7.23 Likely Negative Impacts on Climate Change.</p> <p data-bbox="622 900 2018 1034">51. In terms of the assessments of alternatives, nowhere in Chapter 2.4 of the report is the issue of the no-go option suitably discussed nor supported by any credible findings, nor are any project alternatives offered which ought to be substantiated by the consideration of normal and worst-case scenarios particularly as they relate to issues pertaining to project feasibility.</p> <p data-bbox="667 1070 2018 1134">The EIA Report provides a detailed, complete and comprehensive field-based validated knowledge-based of the proposed activities and the receiving environment with positive and negative impacts assessment fully assessed.</p> <p data-bbox="622 1171 2018 1235">52. In making the case for the potential benefits support for the exploratory drilling activities is outlined in Chapter 2.4 on page 65, where the following is stated:</p> <p data-bbox="622 1272 2018 1402"><i>“However, it is important to understand that even if the proposed exploration activities do not take place, to which the likely negative environmental impacts are likely to be low and localised, the current and other future land uses will still have some negative impacts on the receiving environment that may be higher than those associated with the drilling of multiple exploration and appraisal wells in the AOI within PEL No. 73. Furthermore, it is also important to understand</i></p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p><i>what benefits might be lost if the drilling of multiple exploration and appraisal wells do not take place. Key losses that may never be realised if the drilling of multiple exploration and appraisal wells operations do not go-ahead include: Loss of potential added value to be the unknown underground potential subsurface resources such as petroleum (oil of gas), minerals, water, geothermal potential, socio-economic benefits derived from current and future exploration, capital investments, current licence rental fees, current contributions to training of Namibians, direct and indirect contracts and employment opportunities to the people of Kavango West and East Regions and Namibia as a whole, foreign direct investments and various taxes payable to the Government of Namibia.”</i></p> <p>The EIA Report provides a detailed, complete and comprehensive field-based validated knowledge-based of the proposed activities and the receiving environment with positive and negative impacts assessment fully assessed.</p> <p>53. When discussing the project’s provision of short-term contractual employment opportunities, the EIA notes that “a significant number of especially rural families in Kavango West and East Regions will benefit in terms of short-term employment and wages.” This positive impact has a short – medium duration, very high intensity, and a high significance. On the other hand, the EIA describes the “very short” duration of likely negative socioeconomic impacts from, among other things, “unrealistic job expectations” that do not take into account “the short period of time for each well” and that the jobs “may require very high skilled workforce.” The EIA assigns negative socioeconomic impacts a low significance and low intensity.</p> <p>The EIA Report provides a detailed, complete and comprehensive field-based validated knowledge-based of the proposed activities and the receiving environment with positive and negative impacts assessment fully assessed.</p> <p>54. It is submitted that the EAP has explored the benefits in a skewed manner and has not discussed or fairly assessed the negative impacts that will flow from current and further exploration and production activities. In other words, the EIA attempts to deemphasise negative socioeconomic impacts and amplify the positive impacts as much as possible, making it difficult for the Environmental Commissioner to determine the true impacts of the project. Reliance on perceived benefits of exploration and production activities but a failure to consider long-term and associated negative impacts of exploration and production activities, runs counter to the Environmental Management Act and its regulations.<sup>72</sup></p> <p>The EIA Report provides a detailed, complete and comprehensive field-based validated knowledge-based of the proposed activities and the receiving environment with positive and negative impacts assessment fully assessed. Mitigation measures are provided in the EMP. Both the EIA, EMP and specialist studies reports contains sufficient and compressive assessment that will enable the Environmental Commissioner to make well informed decision based on fact not fearmongering, assumptions and deliberate false and baseless statements.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>55. The scope of alternatives considered is also too narrow. Many of the project’s claimed benefits could be achieved by attracting other foreign direct investment, such as investments in renewables, that align much better with Namibia’s applicable climate change policies and local land use and resource management character.<sup>73</sup> Yet, the only alternatives considered were to the location of the well sites, and use of drilling rig and fluid (mud). There is no discussion of renewable energy options.</p> <p>The EIA Report provides a detailed, complete and comprehensive field-based validated knowledge-based of the proposed activities and the receiving environment with positive and negative impacts assessment fully assessed. Renewable energy options have been considered on the site operations especially as source for provision of lighting.</p> <p>56. Where relevant, different operating scenarios (as well as probability of occurrence) should also be provided including normal and worst-case scenarios to ensure that these are taken into account in the impact assessment and decision making. Furthermore, key swing variables (i.e. those key variables that influence project feasibility and the consideration of project alternatives) should be identified and defined well upfront and in clear language throughout this report, and not merely left for subsequent reports. This will ensure that all relevant scenarios are accounted for and addressed throughout the entire impact assessment phases. This has, however, not been addressed in the current EIA report.</p> <p>Please refer to the EIA Report Chapter 6 Impact Assessment covering Knowledge-Based System Model Methodology (KBSMM), source-pathway-receptor risk assessment chain, harm and mitigation and overall component impact assessment.</p> <p><b>The EIA failed to conduct studies required by other international obligations.</b></p> <p>57. Namibia is a party to treaties that require protection of biological diversity and world heritage. The EIA’s failure to assess whether the project complies with the requirements of these conventions is a glaring omission. Under Article 144 of the Namibian Constitution, “[a]ll ratified treaties and protocols are enforceable within Namibia by the Namibian courts. The EIA fails to list any relevant regional protocols that would be applicable to the management of the environment as it relates to the proposed activities.</p> <p>The yardsticks for this project are the applicable national legislations and applicable permits as presented in the EIA Report Chapter 4. Legislative Framework</p> <p>58. A number of SADC Protocol which Namibia has ratified, require member states to ensure the adequate protection, conservation and management of the environment for the benefit of present and future generations on the regional level. For the purposes of this current EIA application, the EAP was obliged to consider, factor and give effect to the rules, principles and obligations of the following SADC Protocols.</p>



NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>The yardsticks for this project are the applicable national legislations and applicable permits as presented in the EIA Report Chapter 4. Legislative Framework.</p> <ul style="list-style-type: none"> <li>❖ Protocol on Shared water course systems in the SADC Region: The scarcity of water restricts economic development and social upliftment in the SADC region. Successfully managing water resources in southern Africa will contribute to reaching SADC’s vision of sustainable development in the region. According to Article 3.4 of the Protocol, member states commit themselves to maintain a proper balance between resource development for a higher standard of living for their people and conservation and enhancement of the environment to promote sustainable development. This is applicable to the Okavango River which according to the EIA report is situated more or less 50 km from the proposed exploration well sites.</li> </ul> <p>The yardsticks for this project are the applicable national legislations and applicable permits as presented in the EIA Report Chapter 4. Legislative Framework.</p> <ul style="list-style-type: none"> <li>❖ Despite the fact that the report acknowledges that the overall boundary of PEL No.73 reaches the river, Recon Africa has set no buffer zone to protect the environment and wildlife that include a 10km set back from the river. The present drainage with the general surrounding areas of the proposed D1-D6 and G1-G6 exploration and appraisal wells sites, although largely ephemeral apart from the Okavango River, allows flow into other external bodies of water example rivers, swamps, and lakes. In this context, rivers, swamps, lakes which are connected to an underground water network, all drain into the great Okavango River.</li> </ul> <p>The proposed D1-D6 and G1-G6 are not located on the banks of the Okavango River and a 10 km buffer exists between the Okavango River and the Area of Interest. Based on the field-based geological, hydrogeological, hydrological, topographic and all other field-based data collected for this project we have not identified rivers, swamps, and lakes draining into the great Okavango River. Please share the field-based maps of your work.</p> <ul style="list-style-type: none"> <li>❖ Given the strategic importance of the Kavango Drainage Basin, which is inextricably linked to the Okavango River, the region in which the drill sites will be located will also invariably compete with other current uses of water. The EIA failed to assess the long-term threats of pollution derived from gas extraction and production and the significant consequences for the local economy of the area and the livelihoods of the people who depend on the water both above ground and underwater in that area. It is therefore imperative that a study on the likely long-term threats of oil spills and water contamination that will arise from gas exploration and production to food security in the area, was conducted. Threats to quantity and quality of water will have significant impacts on food security in the area.</li> </ul> <p>Based on the field-based geological, hydrogeological, hydrological, topographic and all other field-based knowledge-based that has been created for this project as detailed in the EIA Report Chapter 5.5 Subsurface</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p data-bbox="714 153 2018 284">Ground Components, and the impact assessment presented in the EIA Report Section 6.7.14 Likely negative impacts on water vulnerability and supply infrastructure, as well as data from the water resources monitoring activities it is clear that the proposed project activities will not affect groundwater or surface water resources or contribute to food insecurity of the area.</p> <p data-bbox="672 323 2018 454">❖ SADC Protocol on Forestry: The Protocol’s primary objective is to promote the development, conservation, sustainable management and utilisation of all types of forests and forest products in order to alleviate poverty and generate economic opportunities for present and future generations.<sup>77</sup> The Protocol also calls on member states to promote the intangible, cultural and spiritual values of forests.<sup>78</sup></p> <p data-bbox="714 493 2018 555">The yardsticks for this project are the applicable national legislations and applicable permits as presented in the EIA Report Chapter 4. Legislative Framework.</p> <p data-bbox="622 593 1850 624">The following guiding principles are relevant for the purposes of achieving the objective of the Protocol:</p> <p data-bbox="672 662 2018 793">❖ Article 4.3 states “State parties shall protect, conserve and develop their forests and ensure that forest resources are used in a way and at a rate that does not lead to the long-term degradation of the forest, thereby maintaining the potential of forests to meet the needs of present and future generations”. To this end, the Protocol inter alia addresses issues of common concern including deforestation, genetic erosion, and climate change.</p> <p data-bbox="672 831 2018 893">❖ Article 4.5 states “State parties shall endeavour to protect and where possible, restore natural forests to maintain the essential ecological functions of those ecosystems.</p> <p data-bbox="672 932 2018 994">❖ Lastly Article 4.8 which states “State parties shall take appropriate measures to anticipate, prevent or minimise the causes of deforestation and other damage to or destruction of forests.</p> <p data-bbox="672 1032 2018 1366">❖ The EIA report notes that <i>Burkea Africana</i> protected trees are some of the largest trees found around the proposed G6 well site and access areas. The false mopane protected trees have also been observed around the proposed G6 well site and access sites. 56.2.3 The report acknowledges that habitat destruction would occur due to site clearing for each of the well construction infrastructure as well as creation of new access and the widening of existing sandy tracks which are expected to contribute to habitat destruction.<sup>81</sup> In addition to potential impact to protected trees which form part of forests, the report acknowledges the likelihood of impacts to grasses and grass species through habitat destruction by way of vegetation clearing around the drilling sites and possible new access tracks.<sup>82</sup> However, the EIA failed to assess the long-term threats of habitat destruction and destruction of value use of the environment from gas extraction and production and the significant consequences for the local economy of the area and the livelihoods of the people who depend on the grassland</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>and tree biomes in that area, such as on the stabilisation of soil, filtering of clean water and the general maintenance of a healthy habitat for wildlife and people.</p> <p>Lastly, the World Heritage Committee at the forty-fourth session of the WHM in July, noted with great concern the oil and gas exploration activities being conducted by Recon Africa and the standards employed in facilitating the environmental assessment process. The World Heritage Committee noted in a finding that</p> <p><i>" The granting of oil exploration licences in Botswana and Namibia is of significant concern. While the licensed areas do not overlap with the property or its buffer zone, they are situated in environmentally sensitive areas with a potential negative impact on property in case of spills or pollution. The areas are also important dispersal routes for elephants and other wildlife... this might be a first stage towards a larger project with significant risks to the interconnected water system of the delta and the OUV, in case reserves are found. Furthermore, IUCN and the World Heritage Centre identified some gaps and concerns with the EIA, such as the need for a more detailed spatial distribution assessment of species and to ascertain the connectivity of the ecosystem. Therefore, great caution should be applied in proceeding with any stage of this project"</i>83 (own emphasis)</p> <p>It is clear from the finding above, that the World Heritage Centre and the IUCN have concerns as to whether the current environmental impact assessment process is in line with EIA best practices, finding through a IUCN resolution 136 that the use of new exploration techniques, are subject to rigorous and critical prior review, including through Environmental Impact Assessment (EIA) that corresponds to international standards, including an assessment of social impacts and a review of potential impacts on the World Heritage property, in line with the IUCN World Heritage Advice Note on Environmental Assessment. The WHC decision also requested that any assessments be submitted to the World Heritage Centre, for review by IUCN.</p> <p><b>A specialist field-based archaeological assessment has been undertaken for this project. The EIA Report provides a detailed, complete and comprehensive field-based validated knowledge-based of the proposed activities and the receiving environment with positive and negative impacts assessment fully assessed. The yardsticks for this project are the applicable national legislations and applicable permits as presented in the EIA Report Chapter 4. Legislative Framework.</b></p> <p><b>Failure to comply with rights to occupy communal land</b></p> <p>59. At page 39 of 344 (PDF) at paragraph 1.2.4.4 and elsewhere, the proponent has undertaken to acquire surface rights with full consent and lawful authorisation. To obtain this authority, the proponent describes how it intends to circumvent the provisions of the Communal Land Reform Act, which affords a certain measure of protection for communal conservancies and community Forests and the local communities who reside there.</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p> <p>60. Because there is a procedure that is designed by the legislation to guarantee that the rights and interests of existing communal land occupiers are not adversely affected it is recommended that the proponent is not exempted by way of an environmental clearance certificate, from lawful compliance.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable.</p> <p>61. The Petroleum (Exploration and Production) Act, 1991 (Act 2 of 1991) at Section 16 provides that</p> <p><i>“The holder of a licence shall not exercise any rights conferred upon him or her by this Act or under any terms and conditions of such licence in, on, or under any</i></p> <p>(i) town or village;</p> <p>(ii) land comprising a public road, aerodrome, harbour, railway or cemetery;</p> <p>(iii) land used or reserved for any governmental or public purpose.”</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable.</p> <p>62. Communal Land vests in the state and in terms of Section 17 of the CLRA, is reserved for public purpose and is held in trust for advancement of the public interest unless the prior approval of the Commissioner granted by notice in writing and subject to such conditions as may be specified in such notice. In the absence of such notice, the Communal Land Reform Act stipulates the manner of acquisition of rights to occupy communal land. No person, including the proponent may occupy communal land without a registered land right<sup>85</sup>. Any person who does so commits an offence and is liable for prosecution.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>63. It is trite that when a right to a leasehold is applied for, the procedure is clearly set out in the Communal Land Reform Act and its accompanying regulations. A chief, headman or Traditional Authority is bound by that act. It may not exercise any powers that it does not have in terms of its enabling statute. It is unlawful for an organ of state to act ultra vires, or beyond the powers conferred on it. No Traditional Authority, Chief or Head or headman may authorise any person to occupy communal land without further ado. There are proper procedures stipulated and which are imperative to follow before any person may acquire a substantive and lawful right to occupy communal land.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p> <p>64. Apart from community-based organisations such as communal conservancies and community forests established for the local community members who already have existing land rights, it is only the Communal Land Reform Act which determines the manner in which rights to occupy communal land are lawfully acquired. While the Communal Land Reform Act, 5 of 2002 (CLRA) extends certain powers to Traditional Authorities to administrate certain limited aspects of communal-land governance it has no powers to bestow any land rights on any person in the absence of the ratification of a right by the Communal Land Boards established under Section 2 of the CLRA. Furthermore, the CLRA Act confers specific and exclusive land right types which may be obtained.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p> <p>65. Outside of the rights under Section 28 dealing with existing rights, Section 21 dealing with Customary law Rights, Leasehold Rights under Section 30 and lately introduced Occupational Rights, no further land rights lawfully exist on communal land. Neither does a headman. A traditional Authority is empowered to allocate land only to the extent that it may allocate (i.e point out and consent to) a right to apply to the Communal Land Board for either a customary law right or it may consent to a leasehold area on communal land after proper consultation with the local community. (Occupational Rights do not find relevance here). It is only the Communal Land Board which may ratify such allocation or consent and confer any substantive land rights in the spectrum of rights to occupy communal land on any person.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>66. The CLRA prescribes a number of steps that must be taken before any allocation can be made. For example, all applications for any land right require that a written notice be placed on the notice board of the TA and CLB for at least 7 days. A key part of that notice is the invitation of objections, and if objections are received the TA or CLB must conduct a hearing and otherwise follow the prescribed procedures before any decision can be made. The Environmental Clearance Certificate cannot authorise the proponent to occupy communal land. This process applies equally to the erection of fences on communal land.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p> <p>67. Since the proponent does not qualify for a customary law land right, because it does not have any rational lawful claim to a customary land right or an existing customary land right, and it is not a community based or public interest organisation, it is left with only one option and that is to apply for leasehold rights to occupy 12 x 3Ha drilling pads and to fence them if it has authorisation to do so. Its proposed fence around the drilling pad is clearly not an “exempt” fence and should only be erected when authorisation to do so is granted. Anything less is a violation of the statute and is not to be circumvented by the granting of an environmental clearance certificate because the Environmental Commissioner does not have any powers to condone such non-compliance with the laws or otherwise override provisions of statutes.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p> <p>68. In order to acquire such rights, the proponent first has to make applications to the Kavango East Communal Land Board to occupy those areas of communal land in terms of a lease agreement which authorises it to conduct its activities in terms of the use purpose of the leasehold. The parties to the Forest Management Agreement must agree to vary the terms to accommodate the proponent's ambitions. It does not state in the draft EIA report under submission, whether these compliances have been satisfied. It follows that if an Environmental Clearance Certificate is issued to authorise such unlawful occupation and illegal fencing by the proponent, it is respectfully submitted, such an authorisation will, in any event, be unlawful and void ab initio and subject to review or appeal. It is recommended that the proponent rather apply for the requisite authorisations prior to seeking environmental clearance to allow it to conduct its proposed activities.</p> <p>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</p>

NAME / ORGANISATION	COMMENT/ RESPONSES
	<p>69. The proponent also clearly, by its premature application, intends to circumvent the strict prescripts of the Communal Land Reform Act by seeking to obtain consent from existing leaseholders without ascertaining whether it is even permissible to do so in law. Unless the lease agreement stipulates the conditions under which leasehold rights includes for purposes of oil exploration, such rights may not be exercised by the lessee and the lessee can transfer no more rights to the proponent that he or she or it has under the lease. Additionally, unless the leaseholder is a community-based organisation it may not sublease leased communal land to the proponent.</p> <p><b>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</b></p> <p>70. In the premises, the proponent asks the Environmental Commissioner to authorise that which is deemed illegal under statutory law to avoid compliance with the peremptory measures the legislature has put into place to ensure that communal land rights of local communal land communities are protected, and acquisition thereof is guided by law, not by patronage. It is therefore strongly recommended, in the circumstances, that the Environmental Commissioner decline the application for environmental clearance for want of legal compliance or postpone the application until such a time that the proponent has acquired the necessary rights to occupy and fence communal land.</p> <p><b>The Proponent intend acquire surface rights in line with the provisions of the Communal Land Act (No. 10 of 2002), Communal Land Reform Amendment Act (No. 13 of 2013) and Regional Councils Act, 1992, (Act 22 of 1992) as amended and applicable</b></p>
<p>5. Rob Parker &lt;robaxon88@gmail.com&gt; Submitted: Mon, Feb 27, 1:26 AM</p>	<p>Good day Risk Based Solutions,</p> <p>Greetings, As you are aware, ReconAfrica was awarded an extension to their ECC based on an amendment application done by yourselves. The New Era Newspaper stated "ReconAfrica has received a three-year extension on its Environmental Clearance Certificate (ECC) from Namibia's environmental commissioner in the environment ministry. The extended ECC is valid from 26 August 2022, until 26 August 2025, with the extension having been approved on 11 August 2022."</p> <p>ReconAfrica says that the certificate was granted thanks to "extensive on-the-ground and research-based data gathering by our technical teams working in combination with our third-party technical partners". Even though the process clearly required a full EIA, the company and their assessor chose this course of action. The amendment meant sidestepping essential processes to the benefit of a Canadian junior mining company.</p>





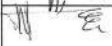





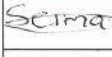



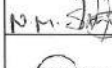
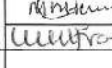


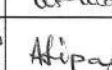
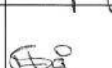

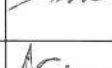
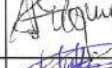

NAME / ORGANISATION	COMMENT/ <b>RESPONSES</b>
	<p>Risk Based Solutions is the EIA assessor for ReconAfrica. It is the contention of the ESJT that any EIA assessor is required to operate within the boundaries of the law. We are concerned that:</p> <p>ReconAfrica's 12 well program never had basis in law. However, ReconAfrica is drilling on the basis of that 'amended' EIA. We do not understand how ReconAfrica is already drilling since there is an EIA application supposedly underway. The ESJT will not legitimise this irregular process by submitting an objection. We believe this process has no basis in law.</p> <p>Warmest Regards,</p> <p>Rob Parker Economic and Social Justice Trust</p> <p><b>Thank you for your input.</b></p> <p><b>RENs activities are in full compliance in accordance with the listed activities as presented in the Environmental Management Act, 2007 and its associated EIA regulations.</b></p> <p><b>To date REN has been awarded with the following Environmental Clearance Certificate:</b></p> <ol style="list-style-type: none"> <li><b>1. Drilling of Multiple Stratigraphic wells with Supporting Infrastructure Such as Borrow Pits, Access Roads, And Related Services In Kavango Sedimentary Basin Pel No: 73</b></li> <li><b>2. Proposed Phase II 2D Infill Seismic Survey Extension covering the Area of Interest (AOI) in the Petroleum Exploration License (PEL) No. 73, Kavango Sedimentary Basin (KSB), Kavango West and East Regions, Northern Namibia (as amended)</b></li> <li><b>3. The proponent is currently in the process to apply for a ECC for the proposed seismic defined drilling of the proposed D1-D6 And G1-G6 Exploration and Appraisal Wells with Supporting Infrastructure Such as Borrow Pits, Access Roads, And Related Services in Kavango Sedimentary Basin Pel No: 73</b></li> </ol> <p><b>Oil and gas exploration happens in a series of steps and due to the extent of the area covered of PEL 73, an Environmental Clearance Certificate is obtained at each stage as per the regulations.</b></p>



## 7. Proof of Stakeholders Communications

### 7.1. Registered Stakeholders

#### EXPLORATION AND APPRAISAL REPORTS TO SUBMITTED TO STAKEHOLDERS

No	Responsibility	Name	Address	Signature
<b>Kavango West</b>				
1.	Governor	Hon. Sirkka Ausiku	The Chief	 21.02.23
2.	Tondoro Constituency	Hon. Joseph Sikongo Chairperson	Regional Officer Kavango West Regional Council	 21.02.23
3.	Mankumpi Constituency	Hon. Lukas Muma	Private Bag 6294 Nkurenkuru Namibia	 23/02/2023
4.	Kapako Constituency	Hon. Johannes Karondo		 21-02-2023
5.	Musese Constituency	Hon. Kosmos Katura		 21/02/23
6.	Neuncuni Constituency	Hon. Leopoldine Nseu		
7.	Mpunga Constituency	Hon. Titus Shiudifonya		 21/02/23
8.	Nkurenkuru Constituency	Hon. Filipus Tenga		 21/02/23
9.	Ncamagoro Constituency	Hon. Thomas Rengi		 21/02/2023
10.	Chief Regional Officer	Mr. Haingura Mpsi		 21/02/23
<b>Kavango East</b>				
11.	Governor	Hon. Bonifatius Wakudamo	Private Bag 2124 RUNDU	 21/02/23
12.	Mukwe Constituency	Hon. Damian Maghambayi Chairperson		 22/02/23
13.	Ndiyona Constituency	Hon. Laurentius Mukoya		 22/02/23
14.	Ndonga-Linena Constituency	Hon. Michael Kampota		 22/02/2023
15.	Mashare Constituency	Hon. Phillip Mavara		 22/02/2023
16.	Rundu Rural Constituency	Hon. Paulus Mbangu		 21/02/2023
17.	Rundu Urban Constituency	Hon. Vicky Kauma		 21/02/2023
18.	Chief Regional Officer	Mrs. Nangura <del>Ruth</del> <i>Lupgela</i>	Private Bag 2124 RUNDU	 22/02/23
19.	Mbunza Traditional Authority	Alfons Kaurcu	Mundula Munda Secretary 0813431939	
20.	Geiriku Traditional authority	Muranda Susana	Le Pzaji. A. N 0813287063	 22/02/23
21.	Shambyu Traditional authority	Mundjembo Sophia		 21/02/2023
22.	Hambukusu Traditional authority	Erwin Monica Mbambo		 21/02/23
23.	Uukwangali Traditional authority	Eagen Siwombe Kudumo		 21/02/23
24.	REN	Office reports		 21/02/23
25.				
26.				

## 7.2. Proof of Communications to Registered Stakeholders

From: Samson Mulonga <mulongas@gmail.com>

to: Dr Sindila MWIYA <frontdesk@rbs.com.na>, [emeritaashipala@gmail.com](mailto:emeritaashipala@gmail.com), Emerita Ashipala [emerita.ashipala@gmail.com](mailto:emerita.ashipala@gmail.com), Laurel Neme <laurel@laurelneme.com>, Christopher Brown <ceo@n-c-e.org>, NCE Admin <admin@n-c-e.org>, Severin H Tame <tseverinh@yahoo.com>, Frack Free Namibia FFN <frackfreenamibia@gmail.com>, Andy Gheorghiu <andy.gheorghiu@mail.de>, Economic Social Just Trust <esjtrust1@gmail.com>, Rob Parker <robaxon88@gmail.com>, [lavdmerwe58@gmail.com](mailto:lavdmerwe58@gmail.com), [Leloundou-assomo@unesco.org](mailto:Leloundou-assomo@unesco.org), Jessica Kemper <jkemper01@gmail.com>, [manfam@africa.com.na](mailto:manfam@africa.com.na), [pwatson@lac.org.na](mailto:pwatson@lac.org.na), [dean@naturaljustice.org](mailto:dean@naturaljustice.org), Jeffrey Barbee <jeffrey.barbee@gmail.com>, [shihepotimotheus@gmail.com](mailto:shihepotimotheus@gmail.com), Liz Frank <lizfrank41@gmail.com>, [jan@africaexposed.co.za](mailto:jan@africaexposed.co.za), [kileni.fernando@gmail.com](mailto:kileni.fernando@gmail.com)

Feb 6, 2023, 2:44 PM

Dear Registered Stakeholder,

Please see below the link for accessing the Draft EIA and EMP Reports with Annexes for Reconnaissance Energy Namibia (REN) (Pty) Ltd, (the "Proponent") proposed drilling of the seismically defined prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 falling in the Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions.

<https://www.dropbox.com/scl/fo/48yxuyhgx885yftpafhbp/h?dl=0&rikey=dt1pwqvkc3y2ki4oes80qe u93>

Deadline for Submitting Comments / Inputs Is: Monday, 27th February 2023 as per the attached Public Notice.

### 7.3. Proof of Communications to Land Owners

**ECC FOR THE PROPOSED DRILLING OF THE  
PROPOSED D1-D6 AND G1-G6 EXPLORATION AND  
APPRAISAL WELLS WITH SUPPORTING  
INFRASTRUCTURE SUCH AS BORROW PITS, ACCESS  
ROADS, AND RELATED SERVICES IN KAVANGO  
SEDIMENTARY BASIN PEL NO: 73**

**Emerita Ashipala**  
<emcrita.ashipala@gmail.com>

Feb 20, 2023, 6:05 AM

to: [erago@iway.na](mailto:erago@iway.na), [hanncsbalzar@gmail.com](mailto:hanncsbalzar@gmail.com), [kamenyecalxis@gmail.com](mailto:kamenyecalxis@gmail.com),  
[pitjo504@gmail.com](mailto:pitjo504@gmail.com), [gkakonda@gmail.com](mailto:gkakonda@gmail.com)

cc: Samson Mulonga <mulongas@gmail.com>,  
Dr Sindila MWIYA <frontdesk@rbs.com.na>

Dear Stakeholder,

As a key stakeholder please see below the link for accessing the Draft EIA and EMP Reports with Annexes for Reconnaissance Energy Namibia (REN) (Pty) Ltd, (the "Proponent") proposed drilling of the seismically defined prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 falling in the Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions.

<https://www.dropbox.com/scl/fo/48yxuyhgx885yftpafhbp/h?dl=0&rlkey=dt1pwqvkc3y2ki4oes80qeu93>

**Deadline for Submitting Comments / Inputs Is: Monday, 27<sup>th</sup> February 2023**

**From:** Emerita Ashipala [emerita.ashipala@gmail.com](mailto:emerita.ashipala@gmail.com)

**To:** "erassynauyoma@gmail.com" <erassynauyoma@gmail.com>, "andreasjikerwa@gmail.com" <andreasjikerwa@gmail.com>, "vthikusho62@gmail.com" <vthikusho62@gmail.com>, "lukasmbngtgr@gmail.com" [lukasmbngtgr@gmail.com](mailto:lukasmbngtgr@gmail.com) [mmateya67@yahoo.com](mailto:mmateya67@yahoo.com), isakkadingu@gmail.com, jimurenga@yahoo.com, "virkayimbi@gmail.com" <virkayimbi@gmail.com>, robertmatemwas@gmail.com

Mon, Feb 20, 6:05 AM (10 days ago)

to bcc: erassynauyoma@gmail.com, bcc: andreasjikerwa@gmail.com, bcc: vthikusho62@gmail.com, bcc: lukasmbngtgr@gmail.com, bcc: mmateya67, bcc: isakkadingu, bcc: jimurenga, bcc: virkayimbi@gmail.com, bcc: robertmatemwas

Dear Stakeholder,

As a key stakeholder please see below the link for accessing the Draft EIA and EMP Reports with Annexes for Reconnaissance Energy Namibia (REN) (Pty) Ltd, (the "Proponent") proposed drilling of the seismically defined prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 falling in the Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions.

<https://www.dropbox.com/scl/fo/48yxuyhgx885yftpafhbp/h?dl=0&rikey=dt1pwqvkc3y2ki4oes80qeu93>

**Deadline for Submitting Comments / Inputs Is: Monday, 27th February 2023**

Many Thanks,

## 8. Overall Draft Scoping Registered Stakeholder

	Name	Organization	Date received	Email
1	Laurel Neme, PhD	Contributor, National Geographic	Thu, Nov 24, 5:56 PM	<a href="mailto:laurel@laurelneme.com">laurel@laurelneme.com</a>
2	Dr Chris Brown	NCE	Wed, Nov 30, 12:37 PM	ceo@n-c-e.org admin@n-c-e.org
3	Marie-Louise Kellett  +27 82 692 4399	NA	Tue, Dec 6, 4:07 PM	<a href="mailto:marielouisekellett@gmail.com">marielouisekellett@gmail.com</a>
4	Severin Tame	Frack Free Namibia	Dec 6, 2022, 5:50 PM	tseverinh@yahoo.com frackfreenamibia@gmail.com
5	Andy Gheorghiu	Saving Okavango's Unique Life (SOUL)	Dec,7, 2022,10:41 AM	<a href="mailto:andy.gheorghiu@mail.de">andy.gheorghiu@mail.de</a>
6	Rinaani Musutua	Economic & Social Justice Trust	Dec,7, 2022,13:57 PM	<a href="mailto:esitrust1@gmail.com">esitrust1@gmail.com</a> cc :
7	Rob Parker	Economic & Social Justice Trust	Feb 27,1:26:00 AM	<a href="mailto:robaxon88@gmail.com">robaxon88@gmail.com</a>
8	Leon Van der Merwe		Wed, Dec 7, 11:24 AM	Leon Van der Merwe <lavdmerwe58@gmail.com> l.eloundou- assomo@unesco.org, j.hosagrahar@unesco.org
9	Dr. Jessica Kemper Committee Member	Namibian Environment & Wildlife Society	Thu, Dec 8, 10:19 AM	<a href="mailto:jkemper01@gmail.com">jkemper01@gmail.com</a>
10	Coleen Mannheimer	Botanist	Mon, Dec 12, 9:47 AM	<a href="mailto:manfam@iafrica.com.na">manfam@iafrica.com.na</a>
11	Peter Watson	Legal Assistance Centre	Thu, Dec 15, 9:20 AM	<a href="mailto:pwatson@lac.org.na">pwatson@lac.org.na</a>
12	Dean Palmer	Natural Justice	Thu, Dec 15, 11:41 AM	<a href="mailto:dean@naturaljustice.org">dean@naturaljustice.org</a>
13	Kileni Fernando	Natural Justice	Thu, Dec 15, 11:41 AM	<a href="mailto:kileni.fernando@gmail.com">kileni.fernando@gmail.com</a>
14	Tertu Fernandu	Natural Justice	Fri, Feb 17, 12:29 PM	<a href="mailto:gevefernandu@gmail.com">gevefernandu@gmail.com</a>

	<b>Name</b>	<b>Organization</b>	<b>Date received</b>	<b>Email</b>
<b>15</b>	Sonner Geria	Natural Justice	Feb 17, 2023, 12:29 PM	<a href="mailto:sonner.geria@gmail.com">sonner.geria@gmail.com</a>
<b>16</b>	Jeffrey Barbee	Freelance Journalist	Fri, Dec 16, 10:38 AM	<a href="mailto:jeffrey.barbee@gmail.com">jeffrey.barbee@gmail.com</a>
<b>17</b>	Timo Shihepo	Freelance Journalist	Fri, Dec 16, 10:46 AM	<a href="mailto:shihepotimotheus@gmail.com">shihepotimotheus@gmail.com</a>
<b>18</b>	Liz Frank	Women's Leadership Centre - Namibia	Fri, Dec 16, 4:53 PM	<a href="mailto:lizfrank41@gmail.com">lizfrank41@gmail.com</a>
<b>19</b>	Jan Arkert	Frack Free Namibia	2022/12/12, 11:28:AM	<a href="mailto:jan@africaexposed.co.za">jan@africaexposed.co.za</a>
<b>20</b>	Frack Free Namibia	Frack Free Namibia	Dec 16, 2022, 10:25 AM	<a href="mailto:frackfreenamibia@gmail.com">frackfreenamibia@gmail.com</a>

**Appendix 1 – Draft EIA and EMP Submissions by Frack Free Namibia**



The Environmental Commissioner  
Ministry of Environment Forestry and Tourism  
Private Bag 13306  
Windhoek  
Namibia

22<sup>nd</sup> February 2023

Attention: Mr. Timoteus Mufeti

**FINAL DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT FOR DRILLING OF THE  
PROPOSED MULTIPLE EXPLORATION AND APPRAISAL WELLS WITH SUPPORTING  
INFRASTRUCTURES SUCH AS BORROW PITS, ACCESS ROADS, AND RELATED SERVICES IN THE  
AREAS OF INTEREST (AOI), KAVANGO SEDIMENTARY BASIN (KSB), PETROLEUM EXPLORATION  
LICENSE (PEL) NO. 73,  
KAVANGO EAST AND WEST REGIONS, NORTHERN NAMIBIA**

Dear Sir,

The draft final Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) reports were made available to Interested and Affected Parties (IAPs) for public comment on 6 February 2023, with a closing date given as the 27<sup>th</sup> of February 2023. Prior to this phase of the environmental impact assessment process, the Environmental Assessment Practitioner (EAP), Dr. Sindila Mwiya of Risk Based Solutions made the draft scoping report for the proposed drilling of 12 additional appraisal and exploration wells in Kavango East and West available for public scrutiny. The closing date for comments on the draft scoping report was 16 December 2022. Frack Free Namibia, as a registered stakeholder, submitted a comprehensive and constructive response to the EAP. The submission contained comments on specific issues that may have an environmental and social impact and must be considered during the EIA process.

The EAP's response to these comments is included in Appendix 7 of the draft final EIA, and it is with this in mind that we address this letter to you, Sir, the Environmental Commissioner.



## 1. FFN Comments

Whilst some of the comments in our letter of the 16<sup>th</sup> of December 2022 (annexure 1) have been noted by the EAP, it is apparent that two issues that may have considerable social and environmental impacts in the long term and widely on a spatial scale, have not been addressed at all.

## 2. Gas Flaring

The following comments and recommendations were made in our letter of 16<sup>th</sup> December 2022.

*As the current proposed activities include assessment wells and exploration wells and NOT stratigraphic wells as stated on page 117, the drilling will specifically targeting potential geological features previously identified.*

*There is a possibility of the targeted location being successful and a gas reservoir being located.*

*Gas flaring occurs in multiple stages of the oil & gas value chain, starting with exploration and field development. While drilling, pressure in the circulating mud system can build up and create flowback, or kicks. This build-up of gas must be contained to avoid dangerous well control events, which is why the gas is routed to specialized gas busting equipment then fed into a nearby flare stack. Flare stacks are used during drilling, completions, production operations, and midstream processing.*

*Gas flaring occurs in areas where infrastructure to accommodate oil and gas is not available such as East and West Kavango. The associated gas that is produced is stranded gas because it lacks the specialized infrastructure needed to economically transport and process it. As a result, stranded gas is flared.*

*The EAP must address the possibilities and likely impacts of gas that may well be flared during the current proposed extension to the exploration activities.*

No response has been received from the EAP on this critical issue. Close perusal of the draft final EIA reveals that only a cursory mention of the possibility of flaring is included in the document -this appears on page 82 as a bullet point and reads as follows.

❖ *Fluids will flow into storage tanks. and gas will be diverted through flare stack and burned.*

No further reference to gas flaring appears in the EIA, however, the insinuations of the above comment are that the EAP is aware that flaring will occur but has selected not address the social and environmental impacts of this activity any further.

The negative impacts of gas flaring on local and regional scales are well documented and the exclusion of these from the EIA is a serious omission - that in our view renders the document null and void.

The effects and mitigation measures associated with gas flaring are also not included in table 3.18 Management of likely negative impacts of dust and influence on air quality/ health receiving

environment (page 151) in the EMP report. It must therefore be concluded that the EAP has intentionally selected to ignore the impacts associated with gas flaring.

### 3. Reserve Ponds

In a similar manner, the EAP has also chosen to ignore our comments regarding the design of the reserve ponds. In our letter of 16 December 2022, we raised the following issues that have, once again not been addressed in the EIA.

*It is clear that REN intends using a bentonite-based lining system in the reserve ponds. Despite numerous request that have been sent to REN, Risk Based Solutions and well as the Ministry of Environment Forestry and Tourism (MEFT) requesting more detailed information about the product that is proposed for use in the lining of the reserve ponds, no reply has been received. Appropriate questions that were posed in our communication and remain unanswered include the following;*

- i. Can the name of the product as well as the name of the manufacturer of the product be provided?*
- ii. Have the Namibian authorities provided REN with written acceptance of the use of the product and has it been approved by the Environmental Commissioner? If yes, will a copy of the approval be made available to FFN.*
- iii. Was the product tested prior to application to ensure that it performs as required under ambient conditions and are test results available for perusal?*
- iv. Can you explain the methodology of how the product was applied to the base and side walls of the containment pond?*
- v. Has the product been tested to determine the infiltration rate into the subsoil with the drilling fluid and anticipated return fluids, and under what hydraulic conditions was it tested?*
- vi. Does REN propose using the same product in the containment pond currently adjacent to the drilling sites currently under consideration, and would it be prepared to allow the process to be witnessed by FFN?*

*Considering the poor public perception and trust of REN's activities in northern Namibia and in the interest of transparency it is necessitated that the information sought is made available in the EIA.*

Frack Free Namibia are of the opinion that the questions and comments that have been raised are reasonable and as an organisation that represents the well being and interest of the communities that reside in the region, we have a right to appropriate answers.

Once again, the EAP has shown awareness of the issue by including figure 2.10 on page 66 with a description that reads as follows.

***Reserve pit contains bentonite clay/gel. When it gets wet, the molecules swell up to 13 times their dry size and create an impenetrable barrier.***

This cursory comment does not address the vital questions that have been posed by FFN on numerous occasions. The repercussions of leakage from the reserve ponds are the potential pollution of the shallow potable groundwater that is utilised by local communities. The efficacy of the lining system and the product used have not been demonstrated or proven, whilst the consequences of failure are extreme.

Furthermore, the EAP has responded in the EIA by including a sketch diagram of the proposed reserve ponds - Figure 2.6: Drainage/ reserve pit site engineering design example (Source: Pre liminary Drawings by Burmeister & Partners for REN, 2022) on page 60. The drawing does not include basic parameters such as the dimensions of the ponds, the layer thicknesses, material type, treatment or utilisation of materials, or the specifications of mechanical modification by the addition of bentonite clay. In other words, the diagram is useless.

#### 4. Conclusions

FFN will continue to strive for the rights of the communities of Kavango East and Kavango West to have their voices heard and their concerns addressed. Our rights are entrenched in the Constitution of Namibia as well as in the Environmental Management Act of 2007.

FFN will not continue to be fobbed off and utilised as “a useful idiot<sup>1</sup>” by the EAP who persists with conducting a tick box exercise on behalf of Recon Africa and to the detriment of communities.

FFN expects that at the very least the authorities managing this EIA process will conduct it to the letter of the law as well as within the spirit of the law.

FFN will retain their rights to seek appropriate recourse as and when it is considered to be appropriate.

More information can be obtained from:

Frack Free Namibia

frackfreenamibia@gmail.com

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<sup>1</sup> **Definition:** In political jargon, a useful idiot is a term currently used to reference a person perceived as propagandizing for a cause—particularly a bad cause originating from a devious, ruthless source—without fully comprehending the cause's goals, and who is cynically being used by the cause's leaders.

**Appendix 2 – Draft EIA and EMP Submissions Legal Assistance Centre**

P O Box 604  
4 Marien Ngouabi Street  
Windhoek  
Namibia

Tel: Int +264 61 223356  
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DIRECTOR  
Toni Hancox

LEGAL PRACTITIONERS  
Corinna Van Wyk  
Uaraera Raandjua Tjaveondja  
Immanuel Ndatile Tomas

## LEGAL ASSISTANCE CENTRE

Recipient of the UNICEF Maurice Pate Human Rights Award – 1997  
JP Karuaihe Human Rights Excellence Award – 2008, 2010, 2014 and 2020 and Social Responsibility Award – 2013

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### RISK BASED SOLUTIONS (RBS)

10 Schutzen Street

Windhoek

**NAMIBIA**

PER E-MAIL: [mulongas@gmail.com](mailto:mulongas@gmail.com); [emerita.ashipola@gmail.com](mailto:emerita.ashipola@gmail.com)

27 February 2023

Dear Ms Ashipala and Mr Mulonga

### SUBMISSION OF COMMENTS AND OBJECTIONS BY INTERESTED AND AFFECTED PARTIES: PUBLIC AND STAKEHOLDER NOTICE ON THE ISSUE OF THE DRAFT EIA AND EMP REPORTS FOR REN ECC APPLICATION

- I. We refer to the above matter and advise that the Legal Assistance Centre, a public interest law firm whose mandate is dedicated, *inter alia*, to advocating for the rights of affected parties in environmental matters. As a registered interested and affected party, it is our privilege to submit the attached comments and submissions on behalf of our clients, the affected parties herein mentioned represented by the Legal Assistance Centre in terms of its stated mandate, for your review and consideration.
- II. These submissions reflect our clients concerns and needs, and we hope that they will be taken into consideration as your firm undertakes to objectively and properly inform the

Environmental Commissioner in decision making on matters of environmental sustainability in relation to the proposed project.

- III. Undoubtedly identification and mitigation or abandonment of potentially significant adverse impacts on the natural environment and social organisation of local communities will allow the Environmental Commissioner to best serve the public interests and the natural environment when considering the potential adverse impacts and associated harms of the proposed activities and mitigation and management strategies with reference to the concerns, comments and recommendations of the local communities and our client and its members who have interests
- IV. We would also like to note that our clients make common cause and support the submissions filed evenly herewith by “Natural Justice” a similar public interest organisation, on behalf of various other affected parties relating to the shortcomings that are noted in their submissions regarding the draft environmental assessment report and its management plan.
- V. For the sake of brevity, our clients have not sought to duplicate submissions already made by others, but are equally concerned and affected and these are to be considered as if though specifically incorporated herein.
- VI. In the circumstances we thank you for your time and attention to this matter and trust that any decision will be appropriately guided by our clients’ concerns related below.
- VII. In addition to the interest the Legal Assistance Centre has in this matter as an interested and affected party its clients represented are also “interested and affected parties”, in relation to the assessment of the listed activities because they include *“any person, group of persons or organisation interested in or affected by an activity.”*
- VIII. We represent the **Kavango East and West Community Forest and Communal Conservancy Association, of which Mbeyo, Ncamgoro and Gwatjinga Community**

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**Trustees of the Legal Assistance Trust:**

Clement Daniels (Chairperson)    Norman Tjombe    Taamba Iithete  
Tangeni Amupadhi    Gladice Pickering    Toni Hancox (ex officio)

**Forests are its members.** All of these members of our client have been earmarked for significant environment and social impacts associated with the proponents proposed oil exploration activities in their forests.

- IX. In light of Regulation 21(3) of the EMA regulations, we would be pleased if you would also accordingly simultaneously with the lodging of these submissions and recommendations, ensure that these clients are included on your register or list of interested and affected parties. Their direct interest in the matter is elaborated below.
- X. Inasmuch as our clients are community-based organisations (CBO's) established in terms of the Forest Act of 2001 they are interested and affected parties with a direct interest and legal obligations in natural resource conservation management and environmental sustainable development in their designated forest areas which are relevant to the proponent's proposed activities and accordingly, ultimately do not seek that the Environmental Clearance Certificate be granted for the reasons set out more fully below:
- XI. Our clients have therefore instructed us, in terms of our mandate to represent their combined interests in this matter, to address specifically the following issues below regarding the application for an Environmental Clearance Certificate by the proponent. Additionally, it notably makes common cause with submissions made by the organisation "Natural Justice" on behalf of the interested and affected parties it represents in this application.

## **SUBMISSIONS**

### **DEFICIENT CONSENT: FREE PRIOR INFORMED CONSENT AND THE CONSULTATIVE PROCESSES REFERRED TO IN THE PROPONENT'S DRAFT EIA REPORT.**

1. There is widespread concern among our client's members that lip service has been paid to this important social aspect in the environmental and development management processes conducted by the proponent for the following reasons:

2. While it is acceptable that the proponent has embarked on consultations with some stakeholders that it has identified as important because it requires the co-operation of these official bodies, such as the Regional Council, the Traditional Authorities and its various village headmen and have gone through the motions of holding some public meetings, to obtain authorisations, it has not yet meaningfully engaged with any of the management committees of the Community Forests nor their members in which it proposes to locate its stratigraphic wells or drilling pads and waste pits.
3. They remain ignored in the process of consultation although they are earmarked and easily identified by the proponent for the brunt of the environmental impacts associated with the proponent's oil and gas exploration activities.
4. Many local community members are the body of our client's members who report that information given is not sufficient for them to make any informed decision, nor have meaningful participation to contribute to any decision-making process or to inform any meaningful consent.
5. Rather the aspects that potentially affect the Kavango East and West Conservancies and Community Forests Association members and the members of its members are generally relayed in such a manner that the proposed activities is presented as a foregone conclusion and the engagement is sufficient only in order that the proponent may minimally comply with the regulations. In other words, the decisions are imposed on the communities identified mainly for minimal compliance purposes which informs the proponent's "tick the box" approach to regulatory compliance.
6. Even where village people, invariably some being members of our client, are addressed in meetings, they are promised better economic conditions and the proponent's public relations machine is geared to only provide positive aspects of the proponent's activities and social responsibilities, but neglects to consider the real adverse impacts it has on communities and their protected environments that have been nurtured and laboured for

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many years in order to acquire rights under the Forest Act and the Nature Conservation Ordinance in the first place, to conduct community forests and communal conservancies.

7. The complaint arising is that the information is biased and misleading, with various promises side tracking from the real issues relating to the adverse significant environmental and social impacts at the village or local levels within our client's members community forests.
8. To be clear, the consultative meetings held by the proponent at the village level do not provide sufficient information for informed consent. Nor do they address a full demographic profile of people who are affected. Rather the forums are utilised for the proponent to mislead impoverished people by promising jobs, boreholes, school uniforms, soccer balls, covid vaccinations and some mielie or mahangu porridge in exchange for consent.
9. Much of these aspects, although lauded as social responsibility activities by the proponent are, in any event, an obligation imposed on the proponent in terms of its petroleum agreement with the Government of Namibia in the normal course and are not altruistic measures initiated by the proponent to improve the livelihoods of people that do not facilitate its aim to discover oil for the profit of its directors and shareholders and partners..
10. The proponent has not sought to properly engage communities in transparent and open consultations with a desire that local community members may have any meaningful impact on decisions which have already been made on their behalf by the proponent.
11. For example, in its draft EIA report the proponent states that its consultations are continuing through February 2023, yet it prematurely seeks authorisation for environmental clearance in the absence of full and proper consultation. It does not concern itself whether or not such consent is real. As long as it may tick the regulatory compliance item off its list, it is satisfied that it has complied with the regulation and therefore may do as it pleases or override the concerns that may be raised pursuant to

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Tangeni Amupadhi    Gladice Pickering    Toni Hancox (ex officio)

consultative meetings after the clearance certificate is issued. It does not assist parties who have not been consulted to have any meaningful say in the decision where the authorisation to conduct its adverse environmental impact exercises are already granted.

12. It is common cause that the proponent has indicated that it intends toward significantly impacting the environment within the Boundaries of Mbeyo Community Forest, Gcwatjinga Community Forest and Ncamogoro Community Forest. For its priority target is the well designated for the Gcwatjinga Community Forest. This aspect, and lack of an alternative site, along with the lack of consultation with the management body, overrides the purpose of proper consultations with interested and affected parties which is to allow them to exercise their domestic and international law rights to meaningfully engage in environmental decision making in matters which may adversely affect their interests.
13. Yet, to date not one of the management committees have been approached for dialogue and consultation regarding the impending harm to be imposed on the Community Forests.
14. Although the proponent undertakes to conclude the requirements for consultations after it has been authorised to continue its impactful activities, it does not properly inform local level decision making nor does it effectively provide for the attainment of informed consent but rather denies affected and interested parties the opportunity of *audi alteram partem* in relation to the decisions that are calculated to be imposed on them. There is clearly not intention to give effect to the concerns of our client.
15. It is clear that such an approach is unlawful because it denies any prospective interested and affected parties the right to *audi alteram partem* and is inconsistent with the tenor of the environmental management laws and principles of fair administration provided in terms of Article 18 of Namibia's Constitution, which essentially demands that consultative processes are to be properly conducted in accordance with law and concluded before an environmental clearance certificate may be issued.

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**Trustees of the Legal Assistance Trust:**

Clement Daniels (Chairperson)    Norman Tjombe    Taamba Iithete  
Tangeni Amupadhi    Gladice Pickering    Toni Hancox (ex officio)

16. It is therefore submitted that the application for Environmental Clearance is premature in this respect and it is recommended that the application should rather be declined or at the very least to be postponed for further consultation processes to be completed on the basis that until full and proper effect is given by the proponent to thoroughly inform all affected parties and obtain requisite consent in accordance with the universal legal principles that inform the notion of Free, Prior and Informed Consent, the application is premature.
17. The Environmental Clearance Certificate must be granted only when all requisite legal compliances are met. The proponent does not have *carte blanche* in terms of its exploration licence to override all other legal requirements imposed on it.
18. To better illustrate the point being made, and as a matter of fact, as at the 24<sup>th</sup> of February 2023 the last business day prior to the deadline for submissions, no further consultations with any of the potentially affected community forests have taken place regarding the ambitions of the proponent to conduct listed activities in their community forests without prior informed consent.
19. Even if they are consulted in between they do not have an opportunity to submit comments and concerns which may be relevant to the granting of the Environmental Clearance Certificates.
20. It is submitted that the attitude of the proponent is directly reflected by these facts. That attitude is merely and minimally aimed to inform the local communities as to its intent, but does not allow scope for any meaningful participation in the environmental decision-making processes that directly affect them because the decision is a foregone conclusion for it and no adverse findings are disclosed.
21. Clearly there can be no informed consent until the proponent has fully complied with the requirements and obligations imposed on it by properly consulting with those who are directly affected, and not so much as to attend in the main to those stakeholders they

have identified which are necessary to co-opt to further the proponent's oil discovery ambitions.

22. The proponent has stated at page 26 /344 (PDF) of its draft EIA report - which has not been made directly available to inform people in its public consultation meetings<sup>1</sup> - that it undertakes that its activities, such as deforestation and clearing vegetation in 3 hectares in 12 locations, apart from the other listed activities, to prepare a drilling pad and operate drilling pad, erecting fences will be done in line with the zoning and management plans of the affected community forest.
23. These forward-looking statements assume that "consent" will be achieved by hook or by crook. The Draft EIA does not provide any information as to what contingency plan is to be implemented in the event that requisite consent is not obtained. It fails to identify any mitigation measures or compensatory measures to the affected and interested parties and their members. It just assumes it will get the requisite authorisation to bypass the necessity of obtaining consent from the interested and affected community forests.
24. However, if an Environmental Clearance Certificate Authorises the listed activities the proponent seeks to pursue, there is no obligation on the proponent to consult with affected parties and even if they did, the outcome is a foregone conclusion because it has already been authorised by the Environmental Clearance Certificate. It is a cunning strategy to avoid its legal responsibilities.
25. To date, it is our instructions that no dialogue has been undertaken between the proponent in order to establish whether or not the community forest areas it has earmarked are zoned for oil exploration activities or for the purpose of conducting a

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<sup>1</sup> These documents are made available for registered stakeholders for downloading by way of internet. Rural communities at ground zero of the proponent's operations do not have such facilities at all. The files are large format to prevent them being disseminated and circulated by way of email or other electronic media. Copies of the documents have not been made available to any of the parties allegedly consulted.

community forest and if so what the management plan provides to enable oil and gas exploration to be in line with it.

26. Although, unlike Section 34(1) of the Communal Land Reform Act which serves to protect the integrity of the Management Plans, agreements have been concluded between our clients' and Minister of Forest, Environment and Tourism, the relevant Traditional Authority and regional council which obliges them to comply. These have effectively ratified the forests' management and use plans and any future land use decision that serves to undermine those agreements require the consent of all parties to vary the terms and conditions.
27. is accordingly submitted and recommended that continued participatory consultation and clarification is needed with further information disseminated and proper meetings must be held with our client's members in order for the Community Forest Members and committees to be properly informed and effectively involved in the decision-making process which adversely affect their interests.
28. They should be able to anticipate and plan for the forthcoming intrusion and adverse impacts gifted to them by the proponent in their community forests. A failure to do so is tantamount to denying our clients the right to sanctity of contract and fair administrative decision-making contrary to Article 18 of the Namibian Constitution.
29. It is recommended that this approach will ensure that the rule of law is upheld. It will also ensure that the proponent meets all of its domestic and international obligations, affording affected parties with a full right to *audi alteram partem*, and full compliance with all of Namibia's relevant laws before an Environmental Clearance Certificate may be issued in respect of the activities proposed that affect the affected and interested parties' interests. The affected community forests are Ncamagoro Community Forest, Mbeyo Community Forest and Gcwatjnga community Forest.

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**Trustees of the Legal Assistance Trust:**

Clement Daniels (Chairperson)    Norman Tjombe    Taamba Iithete  
Tangeni Amupadhi    Gladice Pickering    Toni Hancox (ex officio)

## RIGHTS TO OCCUPY COMMUNAL LAND

30. At page 39 of 344 (PDF) at paragraph 1.2.4.4 and elsewhere, the proponent has undertaken to acquire surface rights with full consent and lawful authorisation.
31. In order to obtain this authority, the proponent describes how it intends to circumvent the provisions of the Communal Land Reform Act, which affords a certain measure of protection for communal conservancies and community Forests and the local communities who reside there. (See paragraph 26 above)
32. Because there is a procedure that is designed by the legislation to guarantee that the rights and interests of existing communal land occupiers are not adversely affected it is recommended that the proponent is not exempted by way of an environmental clearance certificate, from lawful compliance.
33. The Petroleum (Exploration and Production) Act, 1991 (Act 2 of 1991) at Section 16 provides that *"The holder of a licence shall not exercise any rights conferred upon him or her by this Act or under any terms and conditions of such licence in on or under any*
- (i) town or village;*
  - (ii) land comprising a public road, aerodrome, harbour, railway or cemetery;*
  - (iii) land used or reserved for any governmental or public purpose."*
34. Communal Land vests in the state and in terms of Section 17 of the CLRA, is reserved for public purpose and is held in trust for advancement of the public interest unless the prior approval of the Commissioner granted by notice in writing and subject to such conditions as may be specified in such notice;
35. In the absence of such notice the Communal Land Reform Act stipulates the manner of acquisition of rights to occupy communal land. No person, including the proponent may

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occupy communal land without a registered land right<sup>2</sup>. Any person who does so violates the statute.

36. It is trite that when a right to a leasehold is applied for, the procedure is clearly set out in the Communal Land Reform Act and its accompanying regulations. A chief, headman or Traditional Authority is bound by that act. It may not exercise any powers that it does not have in terms of its enabling statute. It is unlawful for an organ of state to act *ultra vires*, or beyond the powers conferred on it.
37. No Traditional Authority, Chief or Head or headman may authorise any person to occupy communal land without further ado. There are proper procedures stipulated and which are imperative to follow before any person may acquire a substantive and lawful right to occupy communal land.
38. Apart from community-based organisations such as communal conservancies and community forests established for the local community members who already have existing land rights it is only the Communal Land Reform Act which determines the manner in which rights to occupy communal land are lawfully acquired.
39. While the Communal Land Reform Act, 5 of 2002 (CLRA) extends certain powers to Traditional Authorities to administrate certain limited aspects of communal-land governance it has no powers to bestow any land rights on any person in the absence of the ratification of a right by the Communal Land Boards established under Section 2 of the CLRA.
40. Furthermore the CLRA Act confers specific and exclusive land right types which may be obtained.

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<sup>2</sup> Section 43 (1) Communal Land Reform Act 5 of 2002) (CLRA)

41. Outside of the rights under Section 28 dealing with existing rights, Section 21 dealing with Customary law Rights, Leasehold Rights under Section 30 and lately introduced Occupational Rights, no further land rights lawfully exist on communal land.
42. Neither does a headman. A traditional Authority is empowered to allocate land only to the extent that it may allocate (i.e point out and consent to) a right to apply to the Communal Land Board for either a customary law right or it may consent to a leasehold area on communal land after proper consultation with the local community. (Occupational Rights do not find relevance here). It is only the Communal Land Board which may ratify such allocation or consent and confer any substantive land rights in the spectrum of rights to occupy communal land on any person.
43. The CLRA prescribes a number of steps that must be taken before any allocation can be made. For example, all applications for any land right require that a written notice be placed on the notice board of the TA and CLB for at least 7 days.
44. A key part of that notice is the invitation of objections, and if objections are received the TA or CLB must conduct a hearing and otherwise follow the prescribed procedures before any decision can be made.
45. Since the client and its members have concern that the proposed activities will conflict with the agreed forest management plans, they are entitled to due process of law in this regard. The Environmental Clearance Certificate cannot authorise the proponent to occupy communal land. This process applies equally to the erection of fences on communal land.
46. Since the proponent does not qualify for a customary law land right, because it does not have any rational lawful claim to a customary land right or an existing customary land right, and it is not a community based or public interest organisation, it is left with only one option and that is to apply for leasehold rights to occupy 12 x 3Ha drilling pads and to fence them if it has authorisation to do so.

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**Trustees of the Legal Assistance Trust:**

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Tangeni Amupadhi    Gladice Pickering    Toni Hancox (ex officio)



47. Its proposed fence around the drilling pad is clearly not an “exempt” fence and should only be erected when authorisation to do so is granted. Anything less is a violation of the statute and is not to be circumvented by the granting of an environmental clearance certificate because the Environmental Commissioner does not have any powers to condone such non-compliance with the laws or otherwise override provisions of statutes.
48. In order to acquire such rights, the proponent first has to make applications to the Kavango East Communal Land Board to occupy those areas of communal land in terms of a lease agreement which authorises it to conduct its activities in terms of the use purpose of the leasehold.
49. The parties to the Forest Management Agreement must agree to vary the terms to accommodate the proponent’s ambitions.
50. It does not state in the draft EIA report under submission, whether these compliances have been satisfied, however, since there has been no consultation with our client and its members, no further terms have been agreed.
51. It follows that if an Environmental Clearance Certificate is issued to authorise such unlawful occupation and illegal fencing by the proponent, it is respectfully submitted, such an authorisation will, in any event, be unlawful and *void ab initio* and subject to review or appeal.
52. It is recommended that the proponent rather apply for the requisite authorisations prior to seeking environmental clearance to allow it to conduct its proposed activities.
53. The proponent also clearly, by its premature application, intends to circumvent the strict prescripts of the Communal Land Reform Act by seeking to obtain consent from existing leaseholders without ascertaining whether it is even permissible to do so in law.

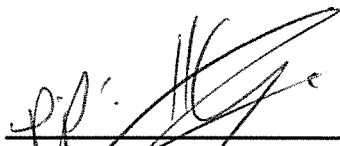
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**Trustees of the Legal Assistance Trust:**

Clement Daniels (Chairperson)    Norman Tjombe    Taamba lithete  
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54. Unless the lease agreement stipulates the conditions under which leasehold rights includes for purposes of oil exploration, such rights may not be exercised by the lessee and the lessee can transfer no more rights to the proponent that he or she or it has under the lease. Additionally, unless the leaseholder is a community-based organisation it may not sublease leased communal land to the proponent.
55. In the premises, the proponent asks the Environmental Commissioner to authorise that which is deemed illegal under statutory law to avoid compliance with the peremptory measures the legislature has put into place to ensure that communal land rights of local communal land communities are protected and acquisition thereof is guided by law, not by patronage.
56. It is therefore strongly recommended, in the circumstances, that the Environmental Commissioner decline the application for environmental clearance for want of legal compliance; or
57. Postpone the application until such a time that the proponent has acquired the necessary rights to occupy and fence communal land and obtained proper informed consent from the affected community forests management committees on behalf of their members or otherwise properly dealt with any dispute that arises, and has contingency plans in place in the event that such consent is refused.

Yours faithfully



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**MS CORINNA VAN WYK**

**Coordinator & Legal Practitioner**

**Land, Environment & Development (LEAD) Project**

**E-mail: [cvanwyk@lac.org.na](mailto:cvanwyk@lac.org.na)**

**LEGAL ASSISTANCE CENTRE**

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**Trustees of the Legal Assistance Trust:**

Clement Daniels (Chairperson)    Norman Tjombe    Taamba Iithete  
Tangeni Amupadhi    Gladice Pickering    Toni Hancox (ex officio)

**Appendix 3 – Draft EIA and EMP Submissions by Andy Gheorghiu**

Dear Samson Mulonga, dear Dr Mwiya Sindila, dear Emerita Ashipala,

the first two points must read as follows:

**1. No ECC can and should be granted as long as:**

1.1. the [UNESCO](#) and [IUCN](#) requests for a robust transboundary environmental impact assessment and a moratorium on the current oil/gas plans of ReconAfrica have **not** been properly addressed and implemented.

1.2. the concerns of the UN's Committee on the Elimination of Discrimination against Women (CEDAW) (check [concluding observations - 82nd session](#)) with regard to women's rights impacted by climate change and fossil fuel extraction in Namibia have **not** been properly addressed.

Kind regards

Andy Gheorghiu

Anfang der weitergeleiteten E-Mail

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An:

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Datum: 24-Feb-2023 17:13:13 +0100

Betreff: Submission: ECC FOR THE PROPOSED DRILLING OF THE PROPOSED D1-D6 AND G1-G6 EXPLORATION AND APPRAISAL WELLS WITH SUPPORTING INFRASTRUCTURE SUCH AS BORROW PITS, ACCESS ROADS, AND RELATED SERVICES IN KAVANGO SEDIMENTARY BASIN PEL NO: 73

Dear Samson Mulonga, dear Dr Mwiya Sindila, dear Emerita Ashipala,

with reference to the still valid content of my attached submission (transmitted in December 2022 in relation to the Draft Environmental Scoping Report for Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for multiple wells with supporting infrastructure, I submit the following statement:

**1. No ECC can and should be granted as long as:**

1.1. the [UNESCO](#) and [IUCN](#) requests for a robust transboundary environmental impact assessment and a moratorium on the current oil/gas plans of ReconAfrica have been properly addressed and implemented.

1.2. the concerns of the UN's Committee on the Elimination of Discrimination against Women (CEDAW) (check [concluding observations - 82nd session](#)) with regard to women's rights impacted by climate change and fossil fuel extraction in Namibia have been properly addressed.

1.3. the High Court has not decided on the [landgrab/crop field feud case](#) brought forward by Mr Andreas Sinonge. Reminder: "*Andreas Sinonge petitioned the High Court last year to have the land board be part of the court proceedings citing that the land being disputed falls within its jurisdiction. Furthermore, the land board is yet to consider ReconAfrica's application for registration and ratification of the land rights. Thus, the outcome of the matter will have a direct impact on Recon's application.*"

1.4. the Minister of Environment Forestry and Tourism has not addressed the official requests to review the granting of ReconAfrica's Environmental Clearance Certificate (and its extension), or has provided a clear Record of Decision (ROD) as to why he will not do so.

1.5. a decision has not been made over the bill of costs which is set down for taxation at the High Court on the 16th May 2023 (see attached Notice of Taxation and <https://www.we.com.na/justice-we/reconafrika-case-a-state-capture2023-02-22>)

2. Furthermore and again with reference to my attached submission, I want to also highlight the following:.

2.1. In the Final Draft Environmental Impact Assessment (EIA) Report For Drilling Of Multiple Wells With Supporting Infrastructure, (available [here](#)) you highlight under "6.7.22 Likely Negative Impacts of Loss of Well Control and Oil Spill" (Page 297)

**"The most prevalent drilling hazards are associated with abnormal pressures and Hydrogen Sulphides. These two (2) operational challenges and risks can be caused by various factors including: Geological faults and structures, pipe sticking and drill pipe failures, lost circulation, borehole deviation, pipe failures, borehole instability, formation contamination, hydrogen sulphide or other gas, **hydraulic fracturing**, buried valleys, and man-made features."**

One wonders why you have to highlight that fracking can cause drilling hazards if fracking is no issue in the Kavango?

2.2. In the Annex 3 - REN Best Practices for Onshore Oil and Gas Exploration (available [here](#)) ReconAfrica writes FAQs:

*"ReconAfrica is conducting a conventional oil exploration program. To date, ReconAfrica has been granted licence by Namibia to explore and confirm the resource, we have no licence to produce or frac. And if this exploratory phase confirms an environmentally and economically viable reserve, Namibian authorities will determine if and how it will extract that resource."*

2.2.1 According to the [ReconAfrica's website](#), the company clarifies that:

**Following declaration of a commercial discovery, the Petroleum Agreement entitles ReconAfrica to a production licence having a 25 year term.**

It is therefore clear that - although ReconAfrica doesn't have the license yet - it is very much entitled to a production licence of at least 25 years.

2.2.2 The statement *"if this exploratory phase confirms an environmentally and economically viable reserve, Namibian authorities will determine if and how it will extract that resource"* does not exclude fracking at all. It just says that Namibian authorities will have to decide about allowing or excluding fracking (which could be synonymous with allowing or rejecting exploitation in general).

I strongly emphasize again the points above as well as listed in my attached submission and respectfully ask you to reject ReconAfrica's application.

Please confirm the orderly and timely delivery of my submission.

My best regards

Andy Gheorghiu

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**Andy Gheorghiu Consulting**  
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**Member of SOUL**



Am 06-Feb-2023 13:45:12 +0100 schrieb [mulongas@gmail.com](mailto:mulongas@gmail.com):

Dear Registered Stakeholder,

Please see below the link for accessing the Draft EIA and EMP Reports with Annexes for Reconnaissance Energy Namibia (REN) (Pty) Ltd, (the "Proponent") proposed drilling of the seismically defined prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 falling in the Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions.

<https://www.dropbox.com/scl/fo/48yxuyhgx885yftpafhbp/h?dl=0&rlkey=dt1pwqvkc3y2ki4oes80qe u93>

**Deadline for Submitting Comments / Inputs Is: Monday, 27<sup>th</sup> February 2023 as per the attached Public Notice.**



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Per email: : [emerita.ashipala@gmail.com](mailto:emerita.ashipala@gmail.com) / [mulongas@gmail.com](mailto:mulongas@gmail.com) / [smwiya@rbs.com.na](mailto:smwiya@rbs.com.na) /  
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**Risk-Based Solutions (RBS) CC  
10 Schützen Street, Sivieda House  
Windhoek Central District (CBD)  
P.O. Box 1839  
Windhoek, Namibia**

16 December 2022

**Draft Environmental Scoping Report for Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for Drilling of the Proposed Multiple Exploration and Appraisal wells with supporting Infrastructures such as Borrow pits, Access Roads, and related Services in the Areas of Interest (AO/), Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango West and East Regions, Northern Namibia  
Submission – Need for transboundary Strategic Environmental Impact Assessment**

Dear Ms Emerita Ashipala, dear Mr Samison Mulonga, dear Dr Sindila Mwiya,

as a confirmed and registered stakeholder, I herewith submit the following comments:

**1. Intended shale oil/gas development and fracking still on the table**

In your June 2019 final Environmental Impact Assessment (EIA) Report to support the application for Environmental Clearance Certificate (ECC) for the drilling of multiple stratigraphic wells you wrote:

*“The survey and analysis confirm that the **Kavango Basin** reaches depths of up to 9.144 km (30,000 feet), under optimal conditions to **preserve a thick interval of organic rich marine shales** and is anticipated to hold an active petroleum system.”*

*... **Reconnaissance Energy Namibia (Pty) Ltd** has interpreted high resolution aero magnetic data documenting a very deep untested Kavango Basin with optimal conditions for preserving a thick interval of organic rich marine **shales** in the lower portion of the Karoo Super Group ...”*

ReconAfrica has constantly and repeatedly highlighted the fact that they're after the shale play. Any so-called conventional resources would be merely a by-catch<sup>i</sup>. Recon also confirms the need for fracking operations in the July 2020 report where the company also compares the Kavango Basin with the Karoo/Permian Whitehill Basin in South Africa.<sup>ii</sup> What's really worrying, is that Recon is very confident to get



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access to water over the envisaged production period of at least 25 years – although they are clearly operating in a very arid area:

*"Of tremendous concern in South Africa is water, a significant requirement for unconventional plays requiring fracture stimulation. Shell is looking at conservation, recycling, and brackish water as to not compete with locals for fresh water resources. ReconAfrica's situation is significantly better in that surface rights and access are held by the government, and abundant ground water supplies should be a source of building, not breaking, relationships with the local population. (page 17)"*

In your current draft Environmental Scoping Report for Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for the drilling of multiple exploration and appraisal wells with supporting infrastructure, **you confirm that Reconnaissance Energy Namibia (REN) will be using a shale-control mud to seal microfractures and coat shale surfaces** (pages XIV and 102).

You also explain that **"most shales have very low permeability, but relatively good porosity"** and that this is the **"reason for fracking to allow oil or gas to flow to hole if discovered in a shale rock"** but – contrary to all the references and firm claims made in reports and presentations by ReconAfrica and your own reports before – you say that **"at present Namibia does not have any onshore oil or gas discovery and yet alone in a reservoir with limited connectivity abilities and requiring fracking to produce or pump it"** (page 91).

This doesn't really exclude the necessity of fracking operations in the case of oil/gas findings and looks rather like an unfortunate wording aimed at blurring the obvious:

**Fracking was and will be at stake in the case of oil/gas findings in the Kavango!**

The needed industrialisation that goes along with the envisaged production phase of at least 25 years must be considered as part of this scoping report. The current application for **"multiple exploration and appraisal wells with supporting infrastructure such as borrow pits, access roads, and related services"** already gives a glimpse into the foreseeable industrialisation of the impacted biodiversity areas. This must be addressed in an orderly and comprehensive manner.

## **2. Strategic Environmental Assessment and Moratorium on current Exploration Phase required– UNESCO's and IUCN's Calls**

To truly assess the cumulative impacts of ReconAfrica's plans in the Okavango basin, a transboundary Strategic Environmental Assessment is required and must be rapidly conducted. In July 2021, UNESCO adopted the following decision during the extended 44<sup>th</sup> session of the World Heritage Committee<sup>iii</sup>:

*"... Expresses concern about the granting of oil exploration licenses in environmentally sensitive areas within the Okavango river basin in northwestern Botswana and northeastern Namibia that could result in potential negative impact on the property in case of spills or pollution;*





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*Urges the States Parties of Botswana and Namibia to ensure that potential further steps to develop the oil project, which include the use of new exploration techniques, are subject to rigorous and critical prior review, including through Environmental Impact Assessment (EIA) that corresponds to international standards, including an assessment of social impacts and a review of potential impacts on the World Heritage property.*

***Requests furthermore the State Party to submit to the World Heritage Centre, by 1 February 2022, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 45th session.***

The urgent need for action to protect the Okavango from oil and gas exploitation was also expressed during the World Congress of the International Union for Conservation of Nature (IUCN) that took place in September 2021 in Marseille. Motion 136<sup>iv</sup> points to the human and indigenous rights aspects of the case, raises the climate change urgency and refers to UNESCO's request calling on Namibian and Botswana to conduct a proper EIA *"prior to any further exploration and any future development of oil and gas resources and other extractive activities in and/or affecting the Okavango River basin and its people."*

In the February 2022 State of Conservation Report, the Government of Botswana acknowledged the concerns raised by the World Heritage Committee and promised that a *"rigorous and critical Environmental Impact Assessment is a prerequisite to any intrusive development in the area."* Botswana also pledged to monitor prospecting and mining activities within the Okavango River Basin and *„to continue the engagement of Angola and Namibia on the management of the shared waters of the Cubango-Okavango River Basin."*

**The current application of ReconAfrica for Environmental Clearance Certificate of multiple exploration and appraisal wells must be rejected and a robust strategic environmental assessment – as required by UNESCO and IUCN – must be conducted first.**

My best regards



Andy Gheorghiu

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<sup>i</sup> <https://www.documentcloud.org/documents/20970309-reconafrika-investor-presentation-071720>

<sup>ii</sup> <https://reconafrika.com/wp-content/uploads/ReconAfrica-Research-Report-July-2020.pdf>

<sup>iii</sup> <https://whc.unesco.org/archive/2021/whc-21-44com-18-en.pdf>

<sup>iv</sup> <https://www.iucncongress2020.org/motion/136>

**Appendix 4 – Draft EIA and EMP Submissions by Natural Justice**



**To: Risk Based Solutions (RBS) CC**

**10 Schutzen Street**

**Windhoek, Namibia**

**Email: [mulongas@gmail.com](mailto:mulongas@gmail.com) and [emerita.ashipola@gmail.com](mailto:emerita.ashipola@gmail.com)**

### **Introduction**

1. We refer to the above matter and advise that Natural Justice: Lawyers for Communities and the Environment is a non-profit organisation specialising in environmental and human rights law in Africa – with a focus on the pursuit of social and environmental justice for local and indigenous communities.
2. Natural Justice offers direct support to indigenous peoples and local communities impacted by the ever-increasing demand for land and resources, through legal empowerment. Natural Justice also conducts comprehensive research on environmental and human rights laws, as well as engaging in key national and international processes with, for and alongside indigenous peoples and local communities.
3. It is our privilege to submit the attached comments and submissions on behalf of Sonner Geria, Tertu Fernandu and Kileni Fernando, the interested and affected parties herein.
4. Sonner Geria is from the Khwe Indigenous community and reside in Bwabwata National Park. They are traditionally territorial hunter-gatherers and have lived in the area for millennia. An estimated 6000 Khwe live in the Park with other groups.
5. Tertu Fernandu and Kileni Fernando are from the !Xung Indigenous community, a group of San peoples.
6. These submissions reflect the concerns and needs of the abovementioned parties, and we hope that they will be taken into consideration as your firm undertakes to objectively and properly inform the Environmental Commissioner in decision making on matters of environmental sustainability in relation to the proposed project.
7. Undoubtedly, identification and mitigation or abandonment of potentially significant adverse impacts on the natural environment and social organisation of indigenous peoples and local communities will allow the Environmental Commissioner to best serve the public interests

and the natural environment when considering the potential adverse impacts and associated harms of the proposed activities and mitigation and management strategies with reference to the concerns, comments and recommendations of the local communities.

8. We would also like to note that the interested and affected parties herein make common cause and support the submissions filed evenly herewith by the “Legal Assistance Centre”, a similar public interest organisation, on behalf of various other affected parties relating to the short comings that are noted in their submissions regarding the draft environmental assessment report and its management plan.
9. In light of Regulation 21(3) of the EMA regulations, we would be pleased if you would also accordingly simultaneously with the lodging of these submissions and recommendations, ensure that Natural Justice is included and registered in your interested and affected parties database alongside the parties Natural Justice represents herein.

**The EIA’s assessment of fauna impacts is inadequate.**

10. The EIA’s conclusions about impacts to fauna are based on extremely limited fieldwork assessments that do not provide the Environmental Commissioner with an accurate baseline. The EIA concludes that the likely negative environmental impacts on mammals are “improbable” and will be “very short” in duration and “mild” in intensity, if they materialise.<sup>1</sup> The EIA likewise concludes that the likely negative environmental impacts on avian species are “improbable” and will be “very short” in duration and “low” intensity, if they materialise.<sup>2</sup> The EIA reaches these conclusions without proper substantiation.
11. The wet season fauna baseline study mentions a “rapid fieldwork assessment”<sup>3</sup> that took place over six days between 13 and 18 November 2022, and then a “rapid site assessment conducted on 21 January 2023 to identify, count, mark and plot the most important and largest protected tree species on site.”<sup>4</sup> Based on the description of the field surveys completed, it does not seem like wet season assessments were done to determine fauna impacts. The five-day “rapid fieldwork assessment” seems to constitute the full extent of the dry season field survey, since the field survey methodology in Annex 4-1 lists the same dates in November as Annex 4-2.
12. The reports acknowledge that several endangered and critically endangered bird species are present (e.g., the white-backed vulture – listed as endangered under Namibian law, and critically endangered internationally),<sup>5</sup> but it makes no attempt to map their occurrence or reliance on the drill site areas or assess the cumulative impact of drilling in all twelve sites.

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<sup>1</sup> EIA, p. 272.

<sup>2</sup> EIA, p. 277.

<sup>3</sup> Annex 4-2, *Vertebrate Fauna and Flora Associated with the Well Drill Site No. D1 (PEL 73), Kavango Region* [Baseline Study] (Jan. 2023), p. 6.

<sup>4</sup> *Id.*, p. 1.

<sup>5</sup> *Id.*, p. 24.

Similarly, Annex 4-2 notes that farmer Von Wiellig in the G4 area “confirmed elephant, spotted hyena, African wild dog, caracal, leopard and small-spotted genet hav[e] been observed on his farm since 2003.”<sup>6</sup> Figure 6.6 in the EIA also shows dry and wet season elephant sightings in the context of the well drilling locations, including very close to G2-G6 sites.<sup>7</sup> Yet, the EIA does not assess potential impacts on elephants or the other species previously observed.

13. Moreover, the EIA has failed to study how drilling multiple exploratory and appraisal wells, as well as building supporting infrastructure such as borrow pits and the extension of access roads can fragment habitat, even if temporarily, and change species competition and ecosystem balance. When workers prepare the areas of interest for site construction, well construction and access roads extensions and other forestry and bush clearings, this leaves breaks or separations in ecosystems. The site constructions and forestry and bush clearing for roads and site infrastructure itself may generally affect the size of wildlife populations, the location of herds, and their traditional migratory paths. Habitat fragmentation from increased vehicular activity during the exploratory well drilling or from the increased human presence drawn to the area as discussed in the socio-economic section were not assessed.
14. It is important to note that the fauna and flora annexes both cite to several “unpublished” reports by Cunningham, including those from 2022 pertaining to the proposed drill sites. Because these reports do not appear to be publicly available, even if they were more comprehensive, I&APs are unable to ascertain if the reports are peer-reviewed and are not able themselves to ascertain the veracity of the information contained in them.
15. In addition to failing to assess key impacts, the EIA also fails to make provision for mitigatory measures. Despite noting that “[a]ll the equipment will be operational 24 hours a day,”<sup>8</sup> the EIA does not assess impacts from noise, light, and dust on biological functions of fauna, such as communication, breeding, nesting, and foraging behaviour. The EMP accordingly does not identify any mitigation measures to ensure that such long hours of operation will not significantly impact fauna species in and near the drilling areas, with the exception of using focused lighting instead of brighter spotlights and “noise screens if required.”<sup>9</sup>
16. Annex 4-1 on the dry season field-based assessment states that “[i]ncreased traffic along [the well drilling] access route could lead to increased mortalities . . . and illegal collection of mammals as food (e.g. various ungulates) or trade (e.g. pangolin).”<sup>10</sup> The EMP is targeted at preventing collection by contractors and staff<sup>11</sup> (as opposed to *third parties* who are not working on the drilling sites) and otherwise only vaguely promises that REN will somehow

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<sup>6</sup> Annex 4-2, Well Drill Site No D1, p. 24.

<sup>7</sup> EIA, p. 273.

<sup>8</sup> EIA, p. 103.

<sup>9</sup> EMP, pp. 144,150.

<sup>10</sup> Annex 4-1, *Vertebrate Fauna and Flora Associated with the Well Drill Site No. D1 (PEL 73), Kavango Region [Baseline Study]*, pp. 21-22.

<sup>11</sup> “Educate/inform contractors and staff on protected species to avoid and the consequences of illegal collection of such species.” EMP, p. 142.

“[p]revent the setting of snares for ungulates (i.e., poaching) or collection of veld foods (e.g., tortoises, monitor lizard) . . . or any form of illegal hunting activities.”<sup>12</sup>

### **The EIA fails to provide a comprehensive assessment of climate impacts.**

17. The EIA fails to consider or attempt to calculate the greenhouse gas emissions that would result from the project, which puts it out of line with best practice EIAs from around the world today.<sup>13</sup> Most EIAs would require a specialist report to calculate emissions from the project. Instead, the EIA merely states: “The drilling and supporting equipment will locally emit greenhouse gases and various air contaminants, including sulphur oxides, nitrogen oxides, carbon monoxide and particulate matter.”<sup>14</sup> Not only is the lack of attempt to calculate a precise greenhouse gas footprint from the project problematic, however, but this list of climate emissions entirely neglects to mention those that would result from well-testing. If oil and gas are indeed discovered, well-testing would likely result in significant emissions as the gas from the well is flared.<sup>15</sup> This flow testing would last for between 10 and 30 days, according to the EIA, but the EIA also leaves space for other tests, which may result in additional emissions that are nowhere mentioned in the EIA.<sup>16</sup> Thirty days of flaring significant levels of gas would have a major climate impact that is not mentioned or mitigated in the EIA or EMP.
18. The EIA also only analyses climate impacts that will result directly from the proposed drilling activities, even though the goal of the exploratory and appraisal drilling is production. The narrow scope of the climate impacts assessment leads the EIA to conclude that “[t]here will be no long-term Climate Change impacts at local, regional (Kavango East and West Regions), national (Namibia) and global cumulative impacts following cessation of the proposed drilling operations activities.”<sup>17</sup> The emissions associated with the proposed drilling, however, though important to assess, constitute only a fraction of the climate impacts of the purpose for which REN is conducting the exploratory and appraisal drilling. Furthermore, the current exploration programme intends to identify exploitable (commercial) quantities of oil or gas which it intends to support its efforts to produce new oil and or gas reserves for consumption and export to new markets. These will invariably result in negligible climate inducing emissions.
19. As a party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, Namibia has committed to limiting the increase in the global average

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<sup>12</sup> EMP, p. 144.

<sup>13</sup> Sabin Center for Climate Change Law, EIA guidelines for assessing the impact of climate change on a project, Columbia Law School, (2019), <https://climate.law.columbia.edu/content/eia-guidelines-assessing-impact-project-climate-change>

<sup>14</sup> EIA, p. 301

<sup>15</sup> The EIA states that, “Subject to the outcomes of the drilling operations, various types of well testing / appraisal activities may be undertaken and may include the extraction of oil and / or gas and the burning (flaring) of the gas being produced for testing purposes.” (p. 75),

<sup>16</sup> The EIA states that a “Flow test zone as may be required between 10-30 days,” could occur (p. 82), but also that any “Other tests as may be agreed with/requested by the partners and/or MME” are also permitted (p. 82).

<sup>17</sup> EIA at 301.

temperature to well below 2°C and to pursue efforts to limit the temperature increase to 1.5°C.

20. According to recent reports by leading energy experts, development of new gas fields at this time is incompatible with a 1.5°C pathway. See, for example, the following:

*“ . . . capital and operational expenditures for the exploration and extraction of oil and gas in new fields—which are incompatible with selected IPCC and IEA 1.5°C pathways—are expected to reach USD 570 billion annually by 2030 (Rystad Energy, 2022). By themselves, these investments would suffice to bridge the entire investment gap for wind and solar in 2030. . . . Preventing investments in any oil and gas fields beyond those already under development is essential to limiting temperature rise to 1.5°C, and could additionally free up a significant sum of capital required to fill the wind and solar investment gap.”<sup>18</sup>*

*Beyond projects already committed as of 2021, there are no new oil and gas fields approved for development in our pathway, and no new coal mines or mine extensions are required. The unwavering policy focus on climate change in the net zero pathway results in a sharp decline in fossil fuel demand, meaning that the focus for oil and gas producers switches entirely to output – and emissions reductions – from the operation of existing assets.<sup>19</sup>*

18.1 The draft EIA recognizes that “Namibia is one of the highly vulnerable nations [to climate change], such that even a 1.5°C increase in global temperature will have severe local impacts, negatively affecting the agriculture, water, health, and biodiversity sectors.”<sup>20</sup> The EIA further lists “[n]atural land and forest degradation due to climate change” among “the current common general threats to the natural environment and habitats of the general project area inclusive of the drilling sites and the areas surrounding the well locations.”<sup>21</sup> The EIA also acknowledges that “local land uses and livelihood in the general area are depended on . . . conservancies and forestry conservation and natural resources harvesting,” among other things.<sup>22</sup>

21. Despite these acknowledgements and aforementioned expert analyses, REN is pursuing new oil and gas exploration, and, ultimately, production. The EIA’s description of climate impacts must be based on a comprehensive life-cycle assessment, including upstream and downstream emissions and impacts associated with future production and ancillary activities. The EIA must also consider the ways these impacts from climate change on the region are and will affect the exploration projects specifically, and any future production efforts, and how the projects may affect the vulnerability of local populations and ecosystems to climatic change, both of which are also standard practice in EIAs around the world today, including in

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<sup>18</sup> IISD, [Navigating Energy Transitions](#) (Oct. 2022) at 27.

<sup>19</sup> International Energy Agency, [Net Zero by 2050](#) (2021) at 21.

<sup>20</sup> EIA at 300.

<sup>21</sup> EIA, p. xxvi.

<sup>22</sup> EIA, p. xxv.



neighbouring South Africa.<sup>23</sup> The EIA cannot conclude that the project's [or the activity's] climate impacts are acceptable if its cumulative impacts are, according to climate experts, [likely to be] incompatible with the goals of the UNFCCC and Paris Agreement, which Namibia has ratified, as well as at odds with Namibia's obligation under international law to protect human rights against the foreseeable threat of climate change.

**The EIA fails to properly assess and mitigate harms to groundwater, surface water, and soil from the project.**

22. The EIA states that, "The drilling of the proposed exploration and appraisal wells Nos. D1-D6 and G1-G6 within the AOI in PEL No. 73 will not result in groundwater pollution because each of the proposed wells are fully engineered and regulated infrastructures with multiple barriers such as casing and cement liners protecting water resources."<sup>24</sup> However, this assurance neglects the reality that oil and gas wells around the world, even those using the same or even better technologies to prevent leakage, often result in the migration of formation and fracking operation materials into underground aquifers.<sup>25</sup> This migration can result from a lack of a perfect seal between the well and the formation, creating a gap into which methane and hazardous fluids can travel, from casing failures over time or resulting from seismic activity, or other issues in well pressure.<sup>26</sup> Thus, dismissing any risk to groundwater associated with the activities because of the barriers and liners ignores that these same barriers and liners have failed around the world and that there is a risk they will do the same here.

23. The EIA states that "Like most oil and gas wells, the rocks being drilled through for the three exploratory wells are environmentally benign and any fluids encountered while drilling stay in the formation due to the equivalent circulating density of the drilling fluid system."<sup>27</sup> This is simply a false statement about the rocks and formation fluids that result from oil and gas drilling. Contrary to the suggestion that they are "environmentally benign," and will "stay in the formation," fluids from the formation routinely are brought up as part of drilling and

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<sup>23</sup> Sabin Center for Climate Change Law, EIA guidelines for assessing the impact of climate change on a project, Columbia Law School, (2019), <https://climate.law.columbia.edu/content/eia-guidelines-assessing-impact-climate-change-project>; Marjoné van der Bank & Jaco Karsten, *Climate Change and South Africa: A Critical Analysis of the Earthlife Africa Johannesburg and Another v Minister of Energy and Others 65662/16 (2017) Case and the Drive for Concrete Climate Practices*, 13, Air, Soil and Water Research, 1178622119885372 (2020), <https://doi.org/10.1177/1178622119885372>.

<sup>24</sup> EIA at 289. The EIA nowhere acknowledges that the

<sup>25</sup> Richard J. Davies *et al.*, *Oil and gas wells and their integrity: Implications for shale and unconventional resource exploitation*, 56, Marine and Petroleum Geology, 239–254 (2014), <http://www.sciencedirect.com/science/article/pii/S0264817214000609>; Amy K. Rice *et al.*, *Groundwater-quality hazards of methane leakage from hydrocarbon wells: A review of observational and numerical studies and four testable hypotheses*, 5, WIREs Water, e1283 (2018), <http://onlinelibrary.wiley.com/doi/abs/10.1002/wat2.1283>.

<sup>26</sup> A. R. Ingraffea *et al.*, *Assessment and risk analysis of casing and cement impairment in oil and gas wells in Pennsylvania, 2000-2012*, 111, Proceedings of the National Academy of Sciences, 10955–10960 (2014), <http://www.pnas.org/cgi/doi/10.1073/pnas.1323422111>; Weiyu Zheng *et al.*, *Wastewater leakage in West Texas revealed by satellite radar imagery and numerical modeling*, 9, Sci Rep, 14601 (2019), <http://www.nature.com/articles/s41598-019-51138-4>.

<sup>27</sup> EIA, at 294.

testing, and are typically high in salts, heavy metals, and radioactive material.<sup>28</sup> These materials are in fact very hazardous, and must be treated as such, including through technologies such as advanced technologies such as membrane separation/distillation, forward osmosis, mechanical vapor compression, electrocoagulation, advanced oxidation, and adsorption-biological treatment.<sup>29</sup>

24. The EIA states that “The organic, biodegradable, water-based drilling fluid system that minimizes environmental impacts mud circulation is a closed loop with the return mud going back to the mud tanks. This system incorporates the latest technologies for both safe drilling and surface/subsurface environmental protection. Once drilling is complete, the remaining fluid can be recycled or used as a soil enhancement/fertilizer for agriculture. The fluid will biodegrade, yielding no toxic or damaging byproduct.”<sup>30</sup> Once again, the statement that the fluid will biodegrade and not be toxic ignores the scientific research on this topic. The muds will be, according to the EIA, Polyamine/ Polymer/ partially-hydrolyzed polyacrylamide (PHPA) water-based drilling mud.<sup>31</sup> According to research on polyacrylamide muds, they present several risks to local ecosystems and people. One study shows that they do not biodegrade as claimed,<sup>32</sup> while others state that degradation of PHPA, rather than leading to the creation of a benign fertilizer, actually increases the mobility of the PHPA and leads to the release of acrylamide monomer, a known toxin and potential carcinogen.<sup>33</sup> As a result of this, another study states that “the main challenge is the removal or degradation of HPAM in an environmentally safe manner from the produced water before proper disposal.”<sup>34</sup> These studies suggest that proper biodegradation of the PHPA will not happen on its own, but rather requires very specific treatment processes to break the carbon backbone of the molecule. Therefore, spreading drill cuttings and muds filled with PHPA on local fields would cause long-term toxic harm to local farmers, including potentially exposing them to significant carcinogens. This risk must be reassessed, and a plan for mitigating the toxic and carcinogenic impacts of this mud system must be in place before any drilling goes forward.
25. The EIA states that a bentonite clay/gel liner will be used for the piton the drill pad. Tanks are considered much safer for holding wastewater and drill cuttings, and therefore the proponent is not aligned with best practice in this regard. Flash flooding in the region, likely to increase

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<sup>28</sup> Nathaniel R. Warner *et al.*, *Impacts of shale gas wastewater disposal on water quality in Western Pennsylvania*, 47, *Environ. Sci. Technol.*, 11849–11857 (2013), <https://doi.org/10.1021/es402165b>.

<sup>29</sup> Yuqing Sun *et al.*, *A critical review of risks, characteristics, and treatment strategies for potentially toxic elements in wastewater from shale gas extraction*, 125, *Environment International*, 452–469 (2019), <http://www.sciencedirect.com/science/article/pii/S0160412018322487>.

<sup>30</sup> EIA, at 289.

<sup>31</sup> EIA, at 91.

<sup>32</sup> Wong Heng Yi Joel, *Biodegradability of bio-polymer slurry*, National University of Singapore, (2010), <https://scholarbank.nus.edu.sg/handle/10635/220383?mode=full>.

<sup>33</sup> Boya Xiong *et al.*, *Polyacrylamide degradation and its implications in environmental systems*, 1, *Clean Water*, 1–9 (2018), <https://www.nature.com/articles/s41545-018-0016-8>.

<sup>34</sup> Shatha Al-Kindi *et al.*, *Partially hydrolyzed polyacrylamide: enhanced oil recovery applications, oil-field produced water pollution, and possible solutions*, 194, *Environ Monit Assess*, 875 (2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9558033/>.

with climate change, can easily carry the toxic materials in the pit into local waterways and pollute local soils. Where pits are used, best practice dictates that there should be two layers to the liner to prevent seepage into groundwater, with monitoring between the liners.<sup>35</sup> Moreover, the pit should be covered in mesh netting, in addition to the fencing around the facility, to prevent the entry of fauna that would be poisoned by exposure to or consumption of the liquids in the pit.<sup>36</sup> These should be included as mitigation measures in the EMP and EIA.

26. Well testing could last for up to 30 days, according to the EIA, though it leaves space for other kinds of testing as well.<sup>37</sup> That means that any hydrocarbons found would be brought to the surface over this extended period of time. Yet the EIA provides no detail on the quantities of oil that might be produced from this process and would therefore need to be contained, nor how this oil will be managed on site, transported, and disposed of or used. The hydrocarbons that come out of the formation pose risks to local soils and groundwater if they are not properly managed, and the EIA and EMP should include clear processes for minimizing risk from this management and mitigating any harms from spills of these formation hydrocarbons specifically.

**The EIA did not adequately assess the air quality impacts of the project.**

27. The air quality impacts of the project are not quantified within the EIA. This is out of line with best practice EIAs from around the world, which not only consider the air quality impacts of the project but model the health impacts of these emissions on local populations. Instead, the EIA merely mentions some of the emissions from the project and claims they will be insignificant with no quantitative analysis to support this conclusion.
28. Not all air quality impacts from the project are considered in the EIA. For example, emissions of methane and volatile organic compounds associated with off-gassing of drilling muds and fluids and produced water, as well as with any oil, gas, and gas liquids brought up as part of well testing, are not included in this assessment. The air emissions associated with the flaring of gas for up to 30 days that could result from well testing are nowhere mentioned in the EIA, let alone quantified.

**The EIA is not based on meaningful consultation with stakeholders.**

29. It is important to highlight the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which sets out international human rights standards relating to indigenous peoples' rights. Namibia voted in favour of the declaration in 2007. Article 26 of UNDRIP asserts the right of indigenous peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Article 32 affirms that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and resources and that States shall consult and co-operate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed

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<sup>35</sup> Earthworks, *Alternatives to pits*, <https://earthworks.org/issues/alternatives-to-pits/>.

<sup>36</sup> Earthworks, *Alternatives to pits*, <https://earthworks.org/issues/alternatives-to-pits/>.

<sup>37</sup> EIA at 32.

consent prior to the approval of any project affecting their lands or territories and other resources particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

30. Informed consent requires an understanding of both the positive and negative aspects of a project. The air quality, water quality, and soil impacts and risks from the project described in the sections above were not, according to Annex 7 of the EIA, included in community consultations on the projects.<sup>38</sup> Furthermore, topics of discussion did not include the cultural or other interests of indigenous peoples and local communities.<sup>39</sup> Rather, the only potential negative impacts about which people were explicitly warned in each presentation were those from clearing of land – and even those were presented in a beneficial light and as short-term impacts. These critical gaps in the presentations contravene the requirement under Section 21(6)(a) of the 2012 EIA Regulations that “information containing all relevant facts in respect of the application is made available to potential interested and affected parties.” It is critical that stakeholders be given complete information to assess the risks and benefits of a given project completely before they are asked to provide consent for the use of their land, and so that they are completely informed of how their local environment, livelihoods, and health may be affected over the short and long term as a result of the project. The consultations did not discuss how the purpose of the project, which is to discover hydrocarbons to potentially begin producing oil and gas, could radically alter their landscape and way of life. Without disclosing how this project can open the door to different land uses—changing agricultural lands to an oil and gas field that will potentially displace local people or cause them harm—the project did not obtain free, prior and informed consent of the affected communities. Further, the proponent has not sought to properly engage communities in transparent and open consultations with a desire that local community members may have any meaningful impact on decisions which have already been made on their behalf by the proponent. For example, in its draft EIA report the proponent states that its consultations are continuing through February 2023, yet it prematurely seeks authorisation for environmental clearance in the absence of full and proper consultation. It does not concern itself whether such consent is real. It does not assist parties who have not been consulted to have any meaningful say in the decision where the authorisation to conduct its adverse environmental impact exercises are already granted.
31. The Human Rights elements contained within Articles 5, 6, 7 and 8 of the Namibian Constitution, as well as the principles of environmental management outlined in s 3(2) of the Environmental Management Act<sup>40</sup>, were not considered within the EIA and EMP report. The EIA does not assess how the project would affect indigenous peoples and local communities’ socio-economic, environmental, health, or cultural interests.
32. The draft EIA notes that the D1 and D2 well locations fall within the Ncamagoro and Mbeyo Community Forests, and D5 – a key priority well “likely to be drilled” – “falls inside the

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<sup>38</sup> EIA at 32.

<sup>39</sup> EIA Annex 7.

<sup>40</sup> Section 3(2)(c); 3(2)(g); 3(2)(h), Environmental Management Act.

southern margin/boundary of the Gcwatjinga<sup>41</sup>. The EIA summarily claims that oil and gas activities “shall be done in line with the provisions of a given community<sup>42</sup> forestry . . . zone management plan<sup>43</sup> but does not otherwise attempt to evaluate the potential for conflict with the community’s use of the area for their livelihoods and management of natural resources. This is a key omission.

33. The EIA also states that the “majority of the indigenous Namibians [are] swimming in inherited generation poverty.<sup>43</sup> However, the EIA report does not list the indigenous peoples and local communities in the area that may be affected by the project. Nor does the EIA list what indigenous peoples and local communities’ concerns are. The EIA fails to study how any of the environmental, socio-economic, cultural or archaeological impacts could impact indigenous peoples and local communities’ rights to protection of life, protection of liberty and respect for human dignity. A lack of the appreciation of these fundamental components of human rights within this environmental assessment process, lies counter to Namibia’s obligations as outlined in its own constitution and its regional and international obligations thereby rendering REN’s application legally flawed.
  
34. Indigenous peoples and local communities, such as the Khwe and !Xung communities who are both groups of San peoples, depend on nature as a way of life and have done so for thousands of years as they have lived on their ancestral land. Younger generations are taught about various plants and herbs which are used for medicinal purposes, as well as learning animal behaviours and how to coexist with wildlife. Subsistence and small-scale farming have formed the backbone of the local economy for thousands of years. Plants and herbs are harvested and sold, concession hunting is observed and other materials from nature are used to make crafts and baskets which are also sold to generate an income. The EIA fails to adequately assess how the clearing of vegetation, the building of access roads and other activities related to the project will impact the cultural and spiritual practices of indigenous peoples and local communities as well as their ability to maintain a livelihood as a result of the impact on the movement of wildlife and the destruction of vegetation. Failure to adequately assess the impacts of the project on cultural and spiritual practices would amplify the loss of traditional knowledge which these communities are already experiencing. Similarly, failure to assess the impacts of the project on the livelihoods of these communities would reinforce the “generational poverty” the EIA references.
  
35. Khwe community members also fear that the proposed project, in its totality, would contribute to and worsen the effects of climate change already experienced by their communities. They have specifically observed changes in weather patterns with heavier rains being experienced. As noted in the EIA, indigenous peoples and local communities’ livelihoods are dependent on subsistence agriculture. Heavier rains cause crop damage and soil erosion which also brings with it the risk of flooding. The damage to crops and the erosion of soil leads

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<sup>41</sup> EIA, p. 268.

<sup>42</sup> EIA, p. 268.

<sup>43</sup> Section 5.2.1 at page 135 of the Final EIA Report.

to reduced productivity/yield which directly contributes to food insecurity and malnutrition experienced by these communities.

36. Indigenous peoples and local communities rely heavily on groundwater as it is one of the main sources of water for household use. Groundwater is used for drinking, the irrigation of backyard gardens and livestock consumption. Although the EIA and EMP provide for measures to be implemented which would reduce the risk of oil spills, the risk does still exist. Should both groundwater and surface water be polluted through an oil spill or the improper disposal of wastewater or other hazardous chemicals, the harm these communities would face would be immeasurable given their limited access to resources. Similarly, contamination of rivers and damage to aquatic ecosystems/life would be detrimental to the lives of local and indigenous communities. Oil as well as other hazardous waste can be washed into rivers during water run-offs in rainy seasons, resulting in water pollution. Communities use river water for consumption and other household purposes. The EIA notes that access to clean drinking water is a major challenge for many communities in Kavango West and East Regions.<sup>44</sup> Due to the challenges already faced by these communities in accessing clean drinking water and the risks associated with that water being contaminated, a risk-averse approach should be adopted.

**The EIA fails to adequately assess cumulative impacts of the project.**

37. The Constitution<sup>45</sup> together with the EIA regulations,<sup>46</sup> requires that EIAs include, amongst other things, an assessment of the nature, extent, duration and significance of the consequences for or the impacts on the environment of that activity, including the cumulative impacts. An “assessment report must contain all information that is necessary for the Environmental Commissioner to consider and to make a decision on the application.”<sup>47</sup> Information that is ‘necessary’ includes information that is reasonably foreseeable. The EIA regulations define “cumulative effect” as “the effect of an activity that in itself may not be significant but may become significant when added to the existing and potential effects eventuating from similar or diverse activities or undertakings in the area.”<sup>48</sup> The EIA itself notes that “[c]umulative impacts are those impacts which result from the incremental impact of the proposed activities (incremental impacts of drilling of the proposed prioritised D1-D6 and G1-G6 exploration and appraisal sites within AOI PEL. No. 73) when added to other past, present, and reasonably near future activities.”<sup>49</sup>
38. Although the EIA at page 302 rates cumulative impacts as negligible and considers the cumulative impacts on the habitats, flora species, ecosystem functions, services, use values

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<sup>44</sup> EIA at 289.

<sup>45</sup> Article 95 of the Namibian Constitution which asserts “ 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 utilisation of living natural resources on a sustainable basis for the benefit of all Namibians”

<sup>46</sup> Section 15(2)(h), EIA Regulations, 2012.

<sup>47</sup> Section 15(2), EIA Regulations, 2012.

<sup>48</sup> section 1, EIA Regulations, 2012 (definitions).

<sup>49</sup> EIA report at page 302.

and non-use, physiography and geological resources, water, and water supply infrastructure vulnerability within AOI in PEL No. 73 as insignificant, it does so without an adequate assessment or evaluation of the extent and scope of likely gas and/or oil extraction and likely construction of gas and/or oil infrastructure associated to production particularly in the context of reasonably foreseeable future activities that will overlap with future activities such as agriculture, tourism, community conservation, forestry, and the expansion of new settlements or land allocations.<sup>50</sup>

39. An EIA that makes an arbitrary and artificial distinction between the impacts of oil and gas exploration and the impacts of oil and gas production deprives the Environmental Commissioner of ‘all the information that is necessary for [the] relevant authority to make a decision.’<sup>51</sup> REN wishes to explore for oil and/or gas for the sole purpose of discovering deposits that can then be exploited. The legislative framework itself indicates that a production right flows directly from an exploration right, meaning that the two processes are inextricably linked. The Petroleum (Exploration and Production) Act, 1991 closely connects the rights of exploration with production by granting a holder of an exploration right the right to apply for, and be granted, a production right.<sup>52</sup> In fact, the EIA provides that the Petroleum Agreement entitles REN to apply for a production licence having a 25-year term. Further, the fiscal terms of the Petroleum Agreement call for a corporate income tax of 35%, royalty of 5%, and an additional profits tax that applies late in the life of a producing field.<sup>53</sup> The impacts related to production activities are reasonably foreseeable, intended impacts eventuating from exploration. If the impacts and risks associated with production are unacceptable, then any and all risks and impacts associated with exploration activities are unnecessary, undesirable, and completely avoidable.
40. The narrow scope of the EIA report deprives stakeholders, I&APs and decision-makers from understanding and commenting on the full dimensions of the proposed activities, including further exploration phases and commercial production activities as reasonably foreseeable future actions intended by Recon Africa which will have present and reasonably near future impacts on habitats, flora species, ecosystem functions, services, use values and non-use values, physiography and geological resources, water, and water supply infrastructure vulnerability.<sup>54</sup> This includes potential future impacts associated with gas infrastructure, climate impacts of indirect CO<sub>2</sub> and methane emissions from the combustion of oil and gas that would be recovered. The proposed exploration activities are an intended precursor to another, more direct and extensive polluting activity.

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<sup>50</sup> For example, the EIA notes that “[t]he water supply requirements are only concerned with exploration activities and do not include the development and production of oil and gas resources.” If oil and gas production will also occur in the project area, cumulative groundwater impacts from that stage of the project lifecycle should also be assessed. Annex 5, Groundwater Report (Dec. 2022), p. 15.

<sup>51</sup> Section 15(2), EIA Regulations, 2012.

<sup>52</sup> S43 of the Petroleum (Exploration and Production) Act, 1991

<sup>53</sup> EIA, p. 1.

<sup>54</sup> These impacts will be associated to present and future activities such as agriculture, tourism, community conservation and forestry and the expansion of new settlements or land allocations

41. Additionally, the EIA fails to assess the cumulative impacts associated with those phased aspects of the operation that have already occurred, including under the 2019 well drilling ECC which authorized the drilling for several wells on a number of community farms to any depths until 26 August 2022 and 2021 seismic survey ECC along a 450 km route over their exploration licence area (and subsequent amendment thereof).
42. Without a more detailed assessment to inform a decision to authorise exploration activities, the Environmental Commissioner cannot consider all relevant factors, as required by section 15(2) of the EIA regulations (2012) as well as section 33(2) of the Environmental Management Act. Accordingly, a decision to authorise the proposed exploration activities would be irrational.

### **The EIA fails to assess need and desirability of the project.**

43. The Environmental Impact Assessment failed to conduct a need and desirability analysis, violating the minimum requirements of the 2012 Environmental Impact Assessment Regulations. An environmental impact assessment must have, among other things, “a description of the need and desirability of the proposed listed activity and identified potential alternatives to the proposed listed activity, including the advantages and disadvantages that the proposed activity or alternatives have on the environment and on the community that may be affected by the activity.”<sup>55</sup> In order to understand the need and desirability, the project should assess consistency with applicable laws, guidelines, and regulations.<sup>56</sup>
44. The current draft of the EIA at pages 119-124 broadly describes the national legislative context, listing various governing legislative frameworks. It is important to note that this list is not comprehensive, leaving out relevant policies such as the SADC Green Economy Strategy and Action Plan,<sup>57</sup> AU Climate Change and Resilient Development Strategy and Action Plan,<sup>58</sup> and National Renewable Energy Policy for Namibia, which includes pursuing climate-resilient energy sector development through renewable energy.<sup>59</sup> Even where the EIA appropriately identifies applicable policy and legislation, it does so without contextualising the need and desirability of these activities in light of the available global science that has established that the use of gas is unlikely needed nor desirable in the African context.

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<sup>55</sup> Section 15(2)(d), Environmental Impact Assessment Regulations 2012 (EIA Regulations, 2012).

<sup>56</sup> *Id.* at Section 4(c).

<sup>57</sup> <https://www.sadc.int/document/green-economy-strategy-and-action-plan>

<sup>58</sup> The Strategy provides a robust framework for ensuring climate justice for Africa through inclusive and equitable

participation in climate action and climate-resilient development pathways. See

<sup>59</sup> The Government of Namibia shall strengthen the country’s climate resilience by diversifying the energy mix with more non-hydro Renewable Energy. Renewable power offers abundant fuel sources (be it solar, wind, or invader- bush based bioenergy), a negligible carbon footprint, and is less prone to inter-annual or seasonal variability than hydropower. The added benefit of Renewable Energy is that it contributes to greenhouse gas (GHG) mitigation, and thus actively helps combat climate change.



45. Because many of Africa's gas reserves are undeveloped<sup>60</sup> and in deep or ultra-deep water or located in difficult geological conditions, the process of putting gas discoveries into production will need a considerable commitment of money and effort and could take decades. Namibia will need to sink significant amounts of capital investment to constructing its LNG facilities in order to bring its LNG terminals to fruition for the purposes of exports to foreign markets, since liquifying gas and building the shipping infrastructure is particularly resource-intensive and can take many years, perhaps decades, to come online. These lengthy lead up times, and the amount of investment required, brings into question Namibia's ability to ramp up production and exports to meet the current market conditions. Proposed exploration activities also take place months and sometimes years after the need and desirability assessment is undertaken, with extraction and production occurring only years later. Therefore, the proposed exploration project in no way provides a remedy for current energy insecurity issues in Namibia.
46. Namibia needs to transition now to renewable energy sources if the country intends to adhere to its international climate commitments AND [to] avoid the risk of stranded assets. It is important to reiterate that the transition to renewable energy sources is necessary not just for climate commitments, but to meet energy access needs and satisfy the 2030 sustainable goal to right to energy access in Namibia.
- 44.1. For the first time, renewable power generation met 100% of global electricity demand growth in 2022, halting a rise in fossil fuel usage.<sup>61</sup> As renewable technologies become more affordable and widespread, they will displace fossil fuels in the global energy system, shrinking the export market for gas and increasing the risk of stranded assets.
47. Moreover, the EIA does not discuss how the proposed project, whose purpose is to survey for petroleum, aligns with the Kavango-Zambezi Transfrontier Conservation Area's goal of achieving the "best conservation and tourism models for the socio-economic wellbeing of the communities". The EIA does not also discuss how the proposed project's purpose aligns with the government's policy on Community Based Natural Resource Management (CBNRM). CBNRM has been developed as a sustainable development programme from which indigenous peoples and local communities have been able to derive equitable social and economic benefits, with the intention to create long term sustainability, good governance and proper management of the CBNRM programme for the benefit of all Namibian citizens.
48. In light of the above, the failure of the draft EIAR to assess need and desirability within the context of regional and national strategies and plans, renders it deficient in at least the

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<sup>60</sup> African Union & African Energy Commission, 'Natural Gas in the African Energy Landscape', (2021), [https://au.int/sites/default/files/documents/41078-doc-1\\_Natural\\_Gas\\_in\\_the\\_African\\_Energy\\_Landscape\\_25-10-21.pdf](https://au.int/sites/default/files/documents/41078-doc-1_Natural_Gas_in_the_African_Energy_Landscape_25-10-21.pdf) Tucker & Reisch, 'The Sky's Limit Africa: The Case for a just energy transition from fossil fuel production in Africa', (2021), OCI, <http://priceofoil.org/content/uploads/2021/10/Skys-Limit-Africa-Report-2021.pdf>

<sup>61</sup> Malgorzata Wiatros – Motyka and Dave Jones. 2022. "Global Electricity Mid-Year Insights" Ember Report accessed via <https://ember-climate.org/insights/research/global-electricity-mid-year-insights-2022/#supporting-material-downloads> at page 8-12.

following respects: (1) it justifies the need and desirability of the proposed project with reference to ostensible, unvalidated benefits of exploiting oil or gas resources but fails to assess or take account of the negative impacts that are inextricably linked with the long-term environmental and socio-economic impacts stemming from exploitation of oil and gas resources following a successful acquisition of data;<sup>62</sup>(2) and it is focused only on the exploratory drilling activities, and fails to consider that oil or gas exploitation, and the impacts associated with exploitation, is the intended consequence of production and further downstream impacts.<sup>63</sup> Even though the Report attempts to limit its focus solely to the exploration stage, the production of gas is a foreseeable and likely outcome if exploration is successful. Lastly it fails to assess climate change consequences relating to further production, distribution, and consumption activities and whether these developments align with Namibia's climate change commitments.

**The EIA does not adequately assess alternatives to the project.**

49. An environmental impact assessment must evaluate the proposed activity's "alternatives . . . with a view to minimise the effects of activities on the environment and to maximise the benefits."<sup>64</sup> The term "alternatives" is defined as "different means of meeting the general purpose and requirements of the activity, which may include alternatives to . . . the type of activity to be undertaken . . . [and] the technology to be used in the activity."<sup>65</sup> The alternatives analysis must evaluate "advantages and disadvantages that the proposed activity or alternatives may have on the environment and the community that may be affected by the activity."<sup>66</sup>
50. When discussing the consideration of alternatives and the no-go option, the EIAR fails to indicate whether all alternative activities apart from oil and gas exploratory drilling were considered<sup>67</sup>, but it also fails to provide an adequate analysis of the negative environmental harms the proposed drilling may have on the environment and the communities particularly with respect to climate change.
51. In terms of the assessments of alternatives, nowhere in Chapter 2.4 of the report is the issue of the no-go option suitably discussed nor supported by any credible findings, nor are any project alternatives offered which ought to be substantiated by the consideration of normal and worst case scenarios particularly as they relate to issues pertaining to project feasibility.
52. In making the case for the potential benefits support for the exploratory drilling activities is outlined in Chapter 2.4 on page 65, where the following is stated:

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<sup>62</sup> See page 64 and 300-301; 306-307 of the Draft EIAR.

<sup>63</sup> See <https://africabusinesscommunities.com/oil-and-gas/news/reconafrika-namcor-granted-seismic-permit-for-kavango-basin-onshore-namibia/> and <https://reconafrika.com/wp-content/uploads/ReconAfrica-Press-Release-070721.pdf>

<sup>64</sup> EMA, Section 2.

<sup>65</sup> EIA Regulations, Section 1.

<sup>66</sup> EIA Regulations, Section 15(2)(d).

<sup>67</sup> Regulation 15(f) of the Environmental Impact Assessment Regulations

*“However, it is important to understand that even if the proposed exploration activities do not take place, to which the likely negative environmental impacts are likely to be low and localised, the current and other future land uses will still have some negative impacts on the receiving environment that may be higher than those associated with the drilling of multiple exploration and appraisal wells in the AOI within PEL No. 73. Furthermore, it is also important to understand what benefits might be lost if the drilling of multiple exploration and appraisal wells do not take place. Key losses that may never be realised if the drilling of multiple exploration and appraisal wells operations do not go-ahead include: Loss of potential added value to be the unknown underground potential subsurface resources such as petroleum (oil of gas), minerals, water, geothermal potential, socio-economic benefits derived from current and future exploration, capital investments, current licence rental fees, current contributions to training of Namibians, direct and indirect contracts and employment opportunities to the people of Kavango West and East Regions and Namibia as a whole, foreign direct investments and various taxes payable to the Government of Namibia.”*

53. When discussing the project’s provision of short-term contractual employment opportunities, the EIA notes that “a significant number of especially rural families in Kavango West and East Regions will benefit in terms of short-term employment and wages.”<sup>68</sup> This positive impact has a short – medium duration, very high intensity, and a high significance.<sup>69</sup> On the other hand, the EIA describes the “very short” duration of likely negative socioeconomic impacts from, among other things, “unrealistic job expectations” that do not take into account “the short period of time for each well” and that the jobs “may require very high skilled workforce.”<sup>70</sup> The EIA assigns negative socioeconomic impacts a low significance and low intensity.<sup>71</sup>
54. It is submitted that the EAP has explored the benefits in a skewed manner and has not discussed or fairly assessed the negative impacts that will flow from current and further exploration and production activities. In other words, the EIA attempts to deemphasise negative socioeconomic impacts and amplify the positive impacts as much as possible, making it difficult for the Environmental Commissioner to determine the true impacts of the project. Reliance on perceived benefits of exploration and production activities but a failure to consider long-term and associated negative impacts of exploration and production activities, runs counter to the Environmental Management Act and its regulations.<sup>72</sup>
55. The scope of alternatives considered is also too narrow. Many of the project’s claimed benefits could be achieved by attracting other foreign direct investment, such as investments in renewables, that align much better with Namibia’s applicable climate change policies and

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<sup>68</sup> EIA, p. 264.

<sup>69</sup> EIA, p. 264.

<sup>70</sup> EIA, p. 282.

<sup>71</sup> EIA, p. 283.

<sup>72</sup> Section 2(g) of the Environmental Management Act and Regulation 15(d) of the Environmental Impact Assessment Regulations.

local land use and resource management character.<sup>73</sup> Yet, the only alternatives considered were to the location of the well sites, and use of drilling rig and fluid (mud). There is no discussion of renewable energy options.

56. Where relevant, different operating scenarios (as well as probability of occurrence) should also be provided including normal and worst-case scenarios to ensure that these are taken into account in the impact assessment and decision making. Furthermore, key swing variables (i.e. those key variables that influence project feasibility and the consideration of project alternatives) should be identified and defined well upfront and in clear language throughout this report, and not merely left for subsequent reports. This will ensure that all relevant scenarios are accounted for and addressed throughout the entire impact assessment phases. This has, however, not been addressed in the current EIA report.

**The EIA failed to conduct studies required by other international obligations.**

57. Namibia is a party to treaties that require protection of biological diversity and world heritage. The EIA's failure to assess whether the project complies with the requirements of these conventions is a glaring omission. Under Article 144 of the Namibian Constitution, "[a]ll ratified treaties and protocols are enforceable within Namibia by the Namibian courts. The EIA fails to list any relevant regional protocols that would be applicable to the management of the environment as it relates to the proposed activities.<sup>74</sup>
58. A number of SADC Protocol which Namibia has ratified, require member states to ensure the adequate protection, conservation and management of the environment for the benefit of present and future generations on the regional level. For the purposes of this current EIA application, the EAP was obliged to consider, factor and give effect to the rules, principles and obligations of the following SADC Protocols.

56.1 Protocol on Shared water course systems in the SADC Region: The scarcity of water restricts economic development and social upliftment in the SADC region. Successfully managing water resources in southern Africa will contribute to reaching SADC's vision of sustainable development in the region. According to Article 3.4 of the Protocol, member states commit themselves to maintain a proper balance between resource development for a higher standard of living for their people and conservation and enhancement of the environment to promote sustainable development. This is applicable to the Okavango River which according to the EIA report is situated more or less 50 km from the proposed exploration well sites.

56.1.1 Despite the fact that the report acknowledges that the overall boundary of PEL No.73 reaches the river, Recon Africa has set no buffer zone to protect the environment and wildlife

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<sup>73</sup> See, e.g., Ministry of Environment and Tourism, National Policy on Climate Change for Namibia (2010) [https://www.adaptationundp.org/sites/default/files/downloads/namibia\\_nationalclimatechangeolicyformami b.pdf](https://www.adaptationundp.org/sites/default/files/downloads/namibia_nationalclimatechangeolicyformami b.pdf).

<sup>74</sup> EIA Report at pages 119-129.

that include a 10km set back from the river.<sup>75</sup> The present drainage with the general surrounding areas of the proposed D1-D6 and G1-G6 exploration and appraisal wells sites, although largely ephemeral apart from the Okavango River, allows flow into other external bodies of water example rivers, swamps, and lakes. In this context, rivers, swamps, lakes which are connected to an underground water network, all drain into the great Okavango River.<sup>76</sup>

56.1.2. Given the strategic importance of the Kavango Drainage Basin, which is inextricably linked to the Okavango River, the region in which the drill sites will be located will also invariably compete with other current uses of water. The EIA failed to assess the long-term threats of pollution derived from gas extraction and production and the significant consequences for the local economy of the area and the livelihoods of the people who depend on the water both above ground and underwater in that area. It is therefore imperative that a study on the likely long-term threats of oil spills and water contamination that will arise from gas exploration and production to food security in the area, was conducted. Threats to quantity and quality of water will have significant impacts on food security in the area.

56.2 SADC Protocol on Forestry: The Protocol's primary objective is to promote the development, conservation, sustainable management and utilisation of all types of forests and forest products in order to alleviate poverty and generate economic opportunities for present and future generations.<sup>77</sup> The Protocol also calls on member states to promote the intangible, cultural and spiritual values of forests.<sup>78</sup>

56.2.1 The following guiding principles are relevant for the purposes of achieving the objective of the Protocol:

- Article 4.3 states "State parties shall protect, conserve and develop their forests and ensure that forest resources are used in a way and at a rate that does not lead to the long-term degradation of the forest, thereby maintaining the potential of forests to meet the needs of present and future generations". To this end, the Protocol inter alia addresses issues of common concern including deforestation, genetic erosion, and climate change.<sup>79</sup>
- Article 4.5 states "State parties shall endeavour to protect and where possible, restore natural forests to maintain the essential ecological functions of those ecosystems.
- Lastly Article 4.8 which states "State parties shall take appropriate measures to anticipate, prevent or minimise the causes of deforestation and other damage to or destruction of forests.

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<sup>75</sup> EIA, pp. 267-268.

<sup>76</sup> EIA, p. 218.

<sup>77</sup> Article 3.1(b) and 3.1(c) of the SADC Protocol on Forestry.

<sup>78</sup> Article 4.8 of the SADC Protocol on Forestry.

<sup>79</sup> Article 4.3 and 4.5 of the SADC Protocol on Forestry.

56.2.2 The EIA report notes that *Burkea Africana* protected trees are some of the largest trees found around the proposed G6 well site and access areas. The false mopane protected trees have also been observed around the proposed G6 well site and access sites.<sup>80</sup>

56.2.3 The report acknowledges that habitat destruction would occur due to site clearing for each of the well construction infrastructure as well as creation of new access and the widening of existing sandy tracks which are expected to contribute to habitat destruction.<sup>81</sup> In addition to potential impact to protected trees which form part of forests, the report acknowledges the likelihood of impacts to grasses and grass species through habitat destruction by way of vegetation clearing around the drilling sites and possible new access tracks.<sup>82</sup> However, the EIA failed to assess the long-term threats of habitat destruction and destruction of value use of the environment from gas extraction and production and the significant consequences for the local economy of the area and the livelihoods of the people who depend on the grassland and tree biomes in that area, such as on the stabilisation of soil, filtering of clean water and the general maintenance of a healthy habitat for wildlife and people.

56.3 Lastly, the World Heritage Committee at the forty-fourth session of the WHM in July, noted with great concern the oil and gas exploration activities being conducted by Recon Africa and the standards employed in facilitating the environmental assessment process. The World Heritage Committee noted in a finding that

*" The granting of oil exploration licences in Botswana and Namibia is of significant concern. While the licensed areas do not overlap with the property or its buffer zone, they are situated in environmentally sensitive areas with a potential negative impact on property in case of spills or pollution. The areas are also important dispersal routes for elephants and other wildlife... this might be a first stage towards a larger project with significant risks to the interconnected water system of the delta and the OUV, in case reserves are found. Furthermore, IUCN and the World Heritage Centre identified some gaps and concerns with the EIA, such as the need for a more detailed spatial distribution assessment of species and to ascertain the connectivity of the ecosystem. Therefore, great caution should be applied in proceeding with any stage of this project"<sup>83</sup> (own emphasis)*

56.3.1 It is clear from the finding above, that the World Heritage Centre and the IUCN have concerns as to whether the current environmental impact assessment process is in line with EIA best practices, finding through a IUCN resolution 136 that the use of new exploration techniques, are subject to rigorous and critical prior review, including through Environmental Impact Assessment (EIA) that corresponds to international standards, including an assessment of social impacts and a review of potential impacts on the World Heritage property, in line with the IUCN World Heritage Advice Note on Environmental Assessment.<sup>84</sup> The WHC decision also requested that any assessments be submitted to the World Heritage Centre, for review by IUCN

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<sup>80</sup> EIA, pp. 266-268.

<sup>81</sup> EIA, p. 277.

<sup>82</sup> EIA, p. 282.

<sup>83</sup> <https://whc.unesco.org/archive/2021/whc21-44com-7B-en.pdf>

• <sup>84</sup> [IUCN Resolution 136 which provides:](#)

## Failure to comply with rights to occupy communal land

59. At page 39 of 344 (PDF) at paragraph 1.2.4.4 and elsewhere, the proponent has undertaken to acquire surface rights with full consent and lawful authorisation. To obtain this authority, the proponent describes how it intends to circumvent the provisions of the Communal Land Reform Act, which affords a certain measure of protection for communal conservancies and community Forests and the local communities who reside there.

60. Because there is a procedure that is designed by the legislation to guarantee that the rights and interests of existing communal land occupiers are not adversely affected it is recommended that the proponent is not exempted by way of an environmental clearance certificate, from lawful compliance.

61. The Petroleum (Exploration and Production) Act, 1991 (Act 2 of 1991) at Section 16 provides that

*“The holder of a licence shall not exercise any rights conferred upon him or her by this Act or under any terms and conditions of such licence in, on, or under any*

*(i) town or village;*

*(ii) land comprising a public road, aerodrome, harbour, railway or cemetery;*

*(iii) land used or reserved for any governmental or public purpose.”*

62. Communal Land vests in the state and in terms of Section 17 of the CLRA, is reserved for public purpose and is held in trust for advancement of the public interest unless the prior approval of the Commissioner granted by notice in writing and subject to such conditions as may be

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- The IUCN World Conservation Congress, at its session in Marseille, France:
  - 1. URGES all Member States to **ensure that human rights and other international law obligations are a primary consideration** in all policies and decisions regarding oil and gas exploration and development, and other extractive activities;
  - 2. URGES all Member States to **ensure that decisions regarding oil and gas exploration and development and other extractive activities respect the right to free, prior and informed consent (FPIC) and that consent processes include comprehensive consultation on the adverse impacts of climate change, the impacts of the proposed activities on the climate, and risks to water resources, flora and fauna, forests, food security, livelihoods and culture, *inter alia*; and**
  - 3. CALLS ON the governments of Botswana and Namibia to ensure, in line with Decision 44 COM 7B.80 of the World Heritage Committee, **that strategic and comprehensive environmental impact assessments adhere to international standards**, are subject to rigorous and critical prior review and are conducted prior to any further exploration and any future development of oil and gas resources and other extractive activities in and/or affecting the Okavango River basin and its people.

specified in such notice. In the absence of such notice, the Communal Land Reform Act stipulates the manner of acquisition of rights to occupy communal land. No person, including the proponent may occupy communal land without a registered land right<sup>85</sup>. Any person who does so commits an offence and is liable for prosecution.

63. It is trite that when a right to a leasehold is applied for, the procedure is clearly set out in the Communal Land Reform Act and its accompanying regulations. A chief, headman or Traditional Authority is bound by that act. It may not exercise any powers that it does not have in terms of its enabling statute. It is unlawful for an organ of state to act ultra vires, or beyond the powers conferred on it. No Traditional Authority, Chief or Head or headman may authorise any person to occupy communal land without further ado. There are proper procedures stipulated and which are imperative to follow before any person may acquire a substantive and lawful right to occupy communal land.
64. Apart from community-based organisations such as communal conservancies and community forests established for the local community members who already have existing land rights, it is only the Communal Land Reform Act which determines the manner in which rights to occupy communal land are lawfully acquired. While the Communal Land Reform Act, 5 of 2002 (CLRA) extends certain powers to Traditional Authorities to administrate certain limited aspects of communal-land governance it has no powers to bestow any land rights on any person in the absence of the ratification of a right by the Communal Land Boards established under Section 2 of the CLRA. Furthermore, the CLRA Act confers specific and exclusive land right types which may be obtained.
65. Outside of the rights under Section 28 dealing with existing rights, Section 21 dealing with Customary law Rights, Leasehold Rights under Section 30 and lately introduced Occupational Rights, no further land rights lawfully exist on communal land. Neither does a headman. A traditional Authority is empowered to allocate land only to the extent that it may allocate (i.e point out and consent to) a right to apply to the Communal Land Board for either a customary law right or it may consent to a leasehold area on communal land after proper consultation with the local community. (Occupational Rights do not find relevance here). It is only the Communal Land Board which may ratify such allocation or consent and confer any substantive land rights in the spectrum of rights to occupy communal land on any person.
66. The CLRA prescribes a number of steps that must be taken before any allocation can be made. For example, all applications for any land right require that a written notice be placed on the notice board of the TA and CLB for at least 7 days. A key part of that notice is the invitation of objections, and if objections are received the TA or CLB must conduct a hearing and otherwise follow the prescribed procedures before any decision can be made. The Environmental Clearance Certificate cannot authorise the proponent to occupy communal land. This process applies equally to the erection of fences on communal land.

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<sup>85</sup> Section 43 (1) Communal Land Reform Act 5 of 2002) (CLRA)



67. Since the proponent does not qualify for a customary law land right, because it does not have any rational lawful claim to a customary land right or an existing customary land right, and it is not a community based or public interest organisation, it is left with only one option and that is to apply for leasehold rights to occupy 12 x 3Ha drilling pads and to fence them if it has authorisation to do so. Its proposed fence around the drilling pad is clearly not an “exempt” fence and should only be erected when authorisation to do so is granted. Anything less is a violation of the statute and is not to be circumvented by the granting of an environmental clearance certificate because the Environmental Commissioner does not have any powers to condone such non-compliance with the laws or otherwise override provisions of statutes.
68. In order to acquire such rights, the proponent first has to make applications to the Kavango East Communal Land Board to occupy those areas of communal land in terms of a lease agreement which authorises it to conduct its activities in terms of the use purpose of the leasehold. The parties to the Forest Management Agreement must agree to vary the terms to accommodate the proponent's ambitions. It does not state in the draft EIA report under submission, whether these compliances have been satisfied. It follows that if an Environmental Clearance Certificate is issued to authorise such unlawful occupation and illegal fencing by the proponent, it is respectfully submitted, such an authorisation will, in any event, be unlawful and void ab initio and subject to review or appeal. It is recommended that the proponent rather apply for the requisite authorisations prior to seeking environmental clearance to allow it to conduct its proposed activities.
69. The proponent also clearly, by its premature application, intends to circumvent the strict prescripts of the Communal Land Reform Act by seeking to obtain consent from existing leaseholders without ascertaining whether it is even permissible to do so in law. Unless the lease agreement stipulates the conditions under which leasehold rights includes for purposes of oil exploration, such rights may not be exercised by the lessee and the lessee can transfer no more rights to the proponent that he or she or it has under the lease. Additionally, unless the leaseholder is a community-based organisation it may not sublease leased communal land to the proponent.
70. In the premises, the proponent asks the Environmental Commissioner to authorise that which is deemed illegal under statutory law to avoid compliance with the peremptory measures the legislature has put into place to ensure that communal land rights of local communal land communities are protected, and acquisition thereof is guided by law, not by patronage. It is therefore strongly recommended, in the circumstances, that the Environmental Commissioner decline the application for environmental clearance for want of legal compliance or postpone the application until such a time that the proponent has acquired the necessary rights to occupy and fence communal land.

**Appendix 5 - Draft EIA and EMP Submissions by Rob Parker**

**From:** Rob Parker <[robaxon88@gmail.com](mailto:robaxon88@gmail.com)>

**Sent:** 27 February 2023 01:26

**To:** Samson Mulonga <[mulongas@gmail.com](mailto:mulongas@gmail.com)>; [emeritaashipala@gmail.com](mailto:emeritaashipala@gmail.com); Dr Sindila MWIYA <[frontdesk@rbs.com.na](mailto:frontdesk@rbs.com.na)>

**Subject:** Re: ECC FOR THE PROPOSED DRILLING OF THE PROPOSED D1-D6 AND G1-G6 EXPLORATION AND APPRAISAL WELLS WITH SUPPORTING INFRASTRUCTURE SUCH AS BORROW PITS, ACCESS ROADS, AND RELATED SERVICES IN KAVANGO SEDIMENTARY BASIN PEL NO: 73

Good day Risk Based Solutions,

Greetings, As you are aware, ReconAfrica was awarded an extension to their ECC based on an amendment application done by yourselves. The New Era Newspaper stated "ReconAfrica has received a three-year extension on its Environmental Clearance Certificate (ECC) from Namibia's environmental commissioner in the environment ministry. The extended ECC is valid from 26 August 2022, until 26 August 2025, with the extension having been approved on 11 August 2022."

ReconAfrica says that the certificate was granted thanks to "extensive on-the-ground and research based data gathering by our technical teams working in combination with our third-party technical partners". Even though the process clearly required a full EIA, the company and their assessor chose this course of action. The amendment meant sidestepping essential processes to the benefit of a Canadian junior mining company.

Risk Based Solutions is the EIA assessor for ReconAfrica. It is the contention of the ESJT that any EIA assessor is required to operate within the boundaries of the law. We are concerned that ReconAfrica's 12 well program never had basis in law.

However, ReconAfrica is drilling on the basis of that 'amended' EIA. We do not understand how ReconAfrica is already drilling since there is an EIA application supposedly underway.

The ESJT will not legitimise this irregular process by submitting an objection. We believe this process has no basis in law.

Warmest Regards,

Rob Parker

Associate,

Economic and Social Justice Trust

On Mon, Feb 6, 2023 at 11:07 AM Samson Mulonga <[mulongas@gmail.com](mailto:mulongas@gmail.com)> wrote:  
Dear Mr. Rob Parker

Please note that the reports available for public review is annexure 5 on the link provided.

Regards

Samson

On Mon, Feb 6, 2023 at 4:33 PM Rob Parker <[robaxon88@gmail.com](mailto:robaxon88@gmail.com)> wrote:  
Good day,

Thank you for your email.

Please send the reports from Pioneer Minerals.

Specifically the two groundwater reports, the drilling reports and monitoring of boreholes reports.

Thank you on behalf of the Economic and Social Justice Trust.

On Mon, Feb 6, 2023 at 8:45 AM Samson Mulonga <[mulongas@gmail.com](mailto:mulongas@gmail.com)> wrote:  
Dear Registered Stakeholder,

Please see below the link for accessing the Draft EIA and EMP Reports with Annexes for Reconnaissance Energy Namibia (REN) (Pty) Ltd, (the "Proponent") proposed drilling of the seismically defined prioritised exploration and appraisal wells Nos. D1-D6 and G1-G6 falling in the Kavango Sedimentary Basin (KSB), Petroleum Exploration License (PEL) No. 73, Kavango East and West Regions.

<https://www.dropbox.com/scl/fo/48yxuyhgx885yftpafhbp/h?dl=0&rlkey=dt1pwqvkc3y2ki4oes80qe u93>

**Deadline for Submitting Comments / Inputs Is: Monday, 27<sup>th</sup> February 2023 as per the attached Public Notice.**