

ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP) FOR THE PROPOSED REZONING OF PORTION A OF DIVUNDU TOWNLANDS NO.1362 AND CONSTRUCTION & OPERATION OF A LODGE, KAVANGO-EAST REGION



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LIST OF ACRONYMS

EAP	Environmental Assessment Practitioner
ECC	Environmental Clearance Certificate
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
EMS	Environmental Management System
ESMP	Environmental and Social Management Plan
I&APs	Interested and Affected Parties
MAWLR	Ministry of Agriculture, Water and Land Reform
MEFT	Ministry of Environment, Forestry and Tourism
MoHSS	Ministry of Health and Social Services
MoLER	Ministry of Labor and Employee Relations
NAMPOL	Namibian Police
NTB	Namibia Tourism Board
PHE	Public Health and Environmental Act
SSC	Social Security Commission

1. INTRODUCTION AND BACKGROUND

1.1 Introduction

Mr. Johannes Kayenge Hereinafter referred to as the proponent has been allocated a portion of Divundu Townlands No.1362, Divundu through a private treaty for the construction and operation of a lodge. In terms of the Townships and Division of Land Ordinance 11 of 1963 and the Urban and Regional Planning Act of 2018, certain town planning procedures must be applied for the subdivision Lodge Divundu Townlands No.1362 and rezoning of the resulting portion earmarked for the lodge development. In terms of the Environmental Management Act of 2007 (Schedule 5.1) and its regulations (GN No. 30 of 2012), “the proposed Rezoning of land as well as the construction of resorts, lodges, hotels or other tourism and hospitality facilities cannot be undertaken without an Environmental Impact Assessment (EIA) being conducted and an Environmental Clearance Certificate (ECC) being obtained. Mr. Johannes Kayenge has appointed Green Gain Consultants cc to conduct an Environmental Impact Assessment for the proposed Subdivision & Rezoning and construction and operation of the proposed lodge. In terms of the Environmental Management Act, No. 07 of 2007 and Schedule 6 of the Environmental Impact Assessment Regulations of February 2012, “the construction of resorts, lodges, hotels or other tourism and hospitality facilities” cannot be undertaken without an Environmental Clearance Certificate being obtained. The main purpose is to make sure that all potential negative environmental and socio-economic impacts resulting from these activities are mitigated and that the positive impacts are enhanced.

Mr. Johannes Kayenge has appointed Green Gain Consultants cc to conduct an Environmental Impact Assessment for the proposed Subdivision & Rezoning and construction and operation of the proposed lodge.

1.2 Purpose of the ESMP

The Environmental and Social Management Plan (ESMP) is an environmental tool that is used to ensure that undue or reasonably avoidable adverse caused by the proposed project are minimized or prevented and the positive benefits of the project are enhanced. The ESMP is therefore important for ensuring that the management actions arising from Environmental Impact Assessment (EIA) processes are clearly defined and implemented through all phases of the project life cycle. All personnel taking part in the establishment and operations of the proposed lodge should be made aware of the contents of the ESMP, so as to plan the relevant activities that the project will include accordingly and in an environmentally sound manner.

The objectives of an ESMP are:

- Ensuring compliance with regulatory stipulations and guidelines which may be local, provincial, national/international.
- Define details of who, what, where and when environmental management and mitigation measures are to be implemented.
- Formulate measures which will mitigate adverse impacts on various environmental components, protect environmental resources where possible, and enhance the value of environmental components where possible; and
- Providing feedback for continual improvement in environmental performance.

2. DESCRIPTION OF THE PROPOSED ACTIVITIES

2.1 Locality

The proposed development site, (Portion A of lodge Divundu Townlands No. 1362) measures approximately 6.01 ha and is located about 7km southeast of the town CBD along the main road to Muhembo boarder post.



Figure 1: Locality for the project site

2.2 The proposed activities

2.2.1 Proposed subdivision and rezoning

In line with Section 63 (2) (3) of the Local Authorities Act, 23 of 1992, the property was alienated to the proponent by way of a private treaty as per the Divundu Village Council Resolution No CR/269/19/08/2022. The proponent has appointed TOYA Urban Planning cc, a registered town planning consultant to carry out the town planning process while G. Marwa Surveyor has been appointed to carry out the surveying of the development site. The proposed Subdivision and Rezoning will be submitted to the Urban and Regional Planning Board (URPB) for approval in line with the Urban and Regional Planning Act of 2018.

2.2.2 Proposed Lodge

The proponent intends to construct and operate an eco-tourism development (lodge) and will be responsible for servicing the land and for the construction and operation of the envisaged lodge. The proposed lodge design has not yet been completed but the intention is to design a lodge that offers a relaxed and tranquil camp environment. The facilities are constructed using local materials (Mopane) that are branded into a building techniques and craftsmen. The proposed lodge operation will also be accompanied by tourist services.

- Visit traditional homesteads, experience people and culture.
- Visit agricultural projects.
- River tours

All services are to be offered in line with the relevant legislations and as per approval of the National Tourism Board (NTB).

3. RESPONSIBILITIES

It is the core responsibility of the proponent to ensure the successful implementation of this ESMP and any condition to be imposed by the Ministry of Environment and Tourism. The implementation of the ESMP also requires the involvement of various role players, each with specific responsibilities to ensure that the lodge is operated in an environmentally sensitive manner.

3.1 The Proponent

Responsibilities

- a) Implement the final ESMP after approval by MEFT and ensure the project comply with the conditions therein.
- b) Provide for Environmental Training and awareness of the ESMP to all contractors, sub-contractors and lodge employees.
- c) Notify MEFT and other relevant authorities of any proposed changes to the lodge operations.
- d) Appoint the responsible an Environmental Control Officer (ECO) or Lodge Manager to take the responsibility of the following:
 - Conduct monitoring and review of the on-site environmental management and implementation of the ESMP by the employees, contractor and sub-contractors.
 - To audit the implementation of the ESMP on a regular basis
 - Compile and submit an Environmental report (biannually) to the MEFT.
 - Keep record of incidences during and take corrective actions i.e., issuing of penalties in case of transgressions etc. during project implementation.
 - Ensuring that the necessary legal authorizations have been obtained.
 - Ensuring that the necessary legal authorizations and permits have been obtained by the Contractor.
 - Assisting the Contractor in finding environmentally responsible solutions to problems
 - Management and monitoring of individuals and/or equipment on site in terms of compliance with the ESMP.
 - Issuing fines for transgression of site rules and penalties for contravention of the ESMP

3.2 The Contractor and Sub-contractors

In case the proponent outsources certain services to contractors or sub-contractors it is required that such contractors must ensure to comply with the ESMP and its conditions, thus the proponent must ensure that a copy of the ESMP is given to all contractors involved. The contractor upon receiving this ESMP should ensure:

- To undertake their activities in an environmentally sensitive manner and within the context of this ESMP.
- To undertake good housekeeping practices during duration of their activities; and
- To ensure that adequate environmental awareness training takes place in the language of their employees.

3.3 Tourist/Visitors

To ensure and promote responsible tourism, tourist and visitors should carryout certain responsibilities while visiting the area whether or guided or self-drive tours.

- Do not litter. Always contain the liters in refuse bags
- Drive on the authorized driving speed
- Avoid loud music.
- Do not chase, kill, trap, or disturb animals.
- Abid to the lodge rules i.e., Use water sparingly, turning of lights etc.

3.4 Authorities:

Relevant authorities should provide supervisory and monitoring roles to ensure that the lodge is operated in compliance with the provisions of the applicable legislation within their mandates. The most notable relevant authorities are as follows.

- a). Ministry of Environment, Forestry and Tourism (MEFT)**
- b). Ministry of Agriculture, Water and Land Reform**
- c). National Tourism Board (NTB)**
- d). Ministry of Labour and Social Services**
- e). Ministry of Health and Social Services (MoHSS)**
- f). Namibian Police (NAMPOL)**

3.5 The Environmental Assessment Practitioner (EAP)

Green Gain Consultants cc has been appointed as an environmental Assessment Practitioner (EAP) and is responsible for the compilation of Environmental Reports and subsequent submission to the competent Authority (MEFT) and to provide additional information on this study whenever required by any party (I&APs, Stakeholders, Authority or Proponent). The EAP may be contracted by the proponent to provide training on the content of this EMP when necessary and update this EMP if deemed necessary by the MEFT.



4. ENVIRONMENTAL MANAGEMENT REQUIREMENTS

The successful implementation of this ESMP is depends on various factors, training and awareness, a good record keeping, enforcements and monthly reporting.

4.1 Environmental awareness training

All employees, contractors and sub-contractors involved in any work at the project should be briefed on their obligation towards environmental protection and methodologies in terms of the ESMP prior to work commencing. The briefing should be done by the proponent prior to any work in the form of an onsite talk. Record of such trainings should be kept.

4.2 Record keeping

There should be an up-to-date filing system for the project whereby method statements, environmental incidents report, training records, audit reports and public complaints register are kept. It is advised that photographs of the site should be taken as a visual reference. These records should be kept for a minimum of **two (2) years**.

4.3 Enforcements: Non-compliance and penalties

This ESMP upon approval by MEFT shall be considered a legally bidding. In cases of transgressions and non-compliance to the ESMP, the transgressor should be liable to a penalty fine. Transgressions should be recorded in a dedicated register and be filed. The Proponent shall issue the penalties in terms of the severity of the environmental damages.

Adherence to this ESMP during the operation of the project will ensure that the environmental impacts associated with the project will be mitigated to a greater extent thus promoting sustainable development. The commitment and co-operation of the identified responsible person(s) will ensure effective implementation of the ESMP.

4.4 Environmental Reports

The proponent shall, in the project completion report, indicate the environmental performance and matter of incidental. The ECO shall conduct regular monitor of project activities during all project phases and keep records. These records may be required by the competent authority when deemed necessary.

5. LEGAL REQUIREMENTS

As part of implementation of this ESMP, the proponent must comply with the requirements of various national legislations and municipal by-laws as outlined in the Scoping Report and also briefly presented here below.

Table 1: Applicable National Laws

LEGISLATION	PROVISION AND REQUIREMENTS
Constitution of the Republic of Namibia (1990)	<p>National objectives</p> <ul style="list-style-type: none"> -Guarding against overutilization of biological natural resources, - Limiting over-exploitation of non-renewable resources, - Ensuring ecosystem functionality, - Maintain biological diversity.
Local Authorities Act, No. 23 of 1992 as amended	<p>Provide for the determination, for purposes of local government, of local authority councils; the establishment of such local authority councils; and to define the powers, duties and functions of local authority councils; and to provide for incidental matters.</p> <p>According to Section 94 of the Act, the collection and disposal of waste is the responsibility of local and regional authorities. The Act also gives power to the Local Authorities to establish by-laws.</p>
Pollution Control and Waste Management Bill, 2003	<p>This Bill serves to regulate and prevent the discharge of pollutants to air and water as well as providing for general waste management.</p> <p>The bill provide framework for a multitude administration on pollution control and waste management in the country. Each authority identified by the bill shall play its respective roles.</p>
Environmental Management Act, No.07 of 2007	<p>Ensuring that the significant effects of activities on the environment are considered carefully and in time. To promote the sustainable management of the environment and the use of natural resources by establishing principles for decision making on matters affecting the environment.</p> <p>The proponent shall inform the competent authority of any changes to the proposed school facilities, to see if an EIA is required or not.</p>
Public Health and Environmental Act, 2015	<p>The objectives of the PHE Act are to;</p> <ul style="list-style-type: none"> • Promote public health and wellbeing • Prevent injuries, diseases and disabilities • Protect individuals and communities from public health risks • Encourage community participation in order to create a healthy environment • Provide for early detection of diseases and public health risks <p>Section 2 requires that a). “Every developer must take necessary reasonably and applicably measures to maintain its area at all times in a hygienic and clean condition” b). Prevent occurrence of a health nuisance, unhygienic condition, an offensive condition</p>

	or any condition which could be harmful or dangerous to the health of a person within the area.
Labour Act (No 11 of 2007)	<p>To establish a comprehensive labour law for all employers and employees; to entrench fundamental labour rights and protections. Regulate basic terms and conditions of employment; ensure the health, safety and welfare of employees; to protect employees from unfair labour practices; to regulate the registration of trade unions and employers' organisations; to regulate collective labour relations; to provide or the systematic prevention and resolution of labour disputes;</p> <p>Any employment provided whether by the proponent or by contractor at this site must be in accordance with the Labour Act.</p>
Employment Service Act, 8 of 2011	<p>To provide for the establishment of the National Employment Service; to impose reporting and other obligations on certain employers and institutions; to provide for the licensure and regulation of private employment agencies; and to deal with matters incidental thereto.</p> <p>Any employment provided whether by the proponent or by contractor at this site must be in accordance with the Labour Act.</p>
Water Resources Management Act 2004	<p>This Act provides provision for the control, conservation and use of water for domestic, agricultural, urban and industrial purposes. In addition the Act clearly gives provision that pertain with license or permit that required abstracting and using water as well as for discharge of effluent.</p> <p>The effluent of human waste under this framework is the main focus; the use of mobile toilets during construction phase should be properly positioned. Permanent ablution facilities for the lodge should be connected to the septic tank and a Wastewater discharge permit should be obtained from MAWLR. No discharge of raw wastewater in the open environment is allowed</p>
National Heritage Act 27 of 2004	<p>The Act provide for the protection and conservation of places and objects of heritage significance and the registration of such places and objects; to establish a National Heritage Council; to establish a National Heritage Register; and to provide for incidental matters.</p>
National Forestry Act, No. 12 of 2001	<p>This Forest Act 12 of 2001 requires that tree species and any vegetation within 100m from a watercourse may not be removed without a permit (S22 (1)).</p> <p>Ensure compliance to the requirement of this Act to avoid transgression. Protected species observed at the site must be incorporated in the design and be part of the landscape</p>
Atmospheric Pollution Prevention Ordinance, no. 11 of 1976	<p>To provide for the prevention of the pollution of the atmosphere, and for matters incidental thereto. The Ordinance deals with administrative appointments and their functions; the control of noxious or offensive gases; atmospheric pollution by smoke, dust control, motor vehicle emissions; and general provisions.</p>

	According to the Ordinance, the Local Authority shall control and prevent atmospheric air pollution or emission of noxious or offensive gases by smoke.
Hazardous Substance Ordinance of 1974	<p>This Ordinance provides for the control of toxic substance and thus also relevant for pollution control. It covers for the manufacturing, sale, use, disposal, dumping, importing and exporting of hazardous waste.</p> <p>Any use of hazardous substance must be in compliance with this ordinance</p>
Namibia Tourism Board Act, 2000 (Act No. 21 of 2000),	Effective from 1 February 2005 any person conducting or intending to conduct any business falling within a category set out in the Schedule is required to hold in respect of such business a certificate of registration issued in terms of section 24 of the Act.

6. IMPLEMENTING THE EMP: ROLES AND RESPONSIBILITIES

The proponent should play a pivotal role in implementing this ESMP. This section provides a manner in which the ESMP is to be implemented and also outlining responsibilities of all parties involved perform their respective roles in accordance with this ESMP.

Table 3: Management Plan: Expansion and Operation phase

Environmental & Social issue	Measure	Responsibility
<p>Legal compliance</p> <p>To ensure legal compliance for the operation of the lodge, the proponent must obtain all necessary legal documentation</p>	<p>The legal documents required to operate a Guest are as follows.</p> <ul style="list-style-type: none"> • Registration as company with BIPA • Registration with Social Security Commission (SSC) • Registration with Namibia Tourism Board (NTB) • Registration with (NamRa) • Fitness Certificate from ministry of Health and Social Services (MoHSS) 	Proponent
<p>Water management</p>	<ul style="list-style-type: none"> • All bathrooms shall be installed with water saving showers heads. • No guest should be allowed to wash vehicles at the Lodge. • A water meter has been installed to measure month water usage. • Monitor water usage by installing water meter. • Monitor borehole level regularly 	Lodge Manager
<p>Biodiversity management</p>	<ul style="list-style-type: none"> • Only qualified tour guides may be tasked to leads all nature drive tours • Only specific access routes must be used when conducting nature drives • A maximum speed limit of 40km/h within the conserved/protected area • Conversely, noises levels are also limited in the Lodge to avoid psychological negative impact on wildlife and their movement in general. • No littering allowed (always have a refuse bag in the vehicle) • No wild animals may be trapped or killed for any reason whatsoever • No throwing of burning objects off the vehicle (e.g. cigarette butt) • Conduct annual carrying capacity of the lodge camps and keep wildlife accord to carrying capacity. • Avoid overgrazing and control bush encroachment. • Avoid planting exotic trees • Asses the lodge conditions regularly and keep away poisonous plants as far as possible 	Lodge Manager
<p>Energy management</p>	<ul style="list-style-type: none"> • Commit to the use of renewable energy sources (Solar energy) • Sustainable harvesting of firewood must be ensured by harvesting invade species and buy ensuring that there are no significant negative environmental impacts associated with the supply of wood. 	Lodge Manager

Waste management	<p>The Lodge must adopt a waste management principle (Reduce, Reuse and Recycle)</p> <ul style="list-style-type: none"> • The amount waste produced can be reduced by purchasing items in large quantity rather than in smaller quantity, e.g. cooking oil, tinned food, cleaning materials) so as to avoid too many empty bottles, tins, etc. • Each guest room/Lodges must be provided with waste collection bins • All waste stored temporarily at the site must be secured in refuse bags to avoid it being blown into the veldt • Different waste types must be stored and dumped separately • All non-combustible waste must be collected from site weekly • In the kitchen a “waste trap” must be placed in the drain where kitchen water flows into. The purpose of this trap is to trap kitchen off-cuts such as scraps of meat, vegetables etc. 	Lodge Manager
Hygiene and Sanitation	<p>Ensures that</p> <ul style="list-style-type: none"> • All toilets must be of the flush-type and all must drain into the septic tank • No discharge of sewage waste in the natural environment • Notices must be placed at each toilet to remind guests not to flush foreign objects down the toilet • The overflow from the septic tank should be attended to as soonest • Use bio-degradable toilet cleaners that do not kill the bacteria in the septic tank (various products are available on the market). 	Lodge Manager
Fire management	<ul style="list-style-type: none"> • There must be sufficient fire-fighting equipment and appliances • Fireplaces should be under control. • No fire should be left attended in the wild • Flammable materials should be stored separately and accordingly • No -smoking signs should be installed at fuel storage room and near gas storage areas 	Lodge Manager
Occupational health and safety	<p>Ensures that</p> <ul style="list-style-type: none"> • All food handlers undergo medical examination annually • Food must be stored correctly and in a proper store room • Fitness certificate is in place and valid at all times • Food should be stored separate from Chemicals. • Keep First Aid Kit at the Lodge • Provide information about the area, including no-go areas, dangerous hiking trails, presence of predators etc. • Employees should provide with protective equipment. • Employees should be trained in their respective jobs 	Lodge Manager

Community Relation	Community relation can be ensured in the following manner <ul style="list-style-type: none"> • Respecting rights of neighbours and community • No damage to any cultural or archaeological sites • Employing local people as many as possible • Tour vehicles should be clearly braded with the lodge name and contact details 	Lodge Manager
Responsible Management	<p>Tourism</p> <p>Ensures that</p> <ul style="list-style-type: none"> • The Guest Lodge should be registered with NTB • All Tourism activities should be provided inline with the relevant regulations. • The Guest facilities should be established in line with the standards prescribed in Annexure 6 of the Tourism Board Act, 2004 <p>The Lodge management must make sure to make information materials available, in which tourists are informed about:</p> <ul style="list-style-type: none"> • The importance of conserving water • How to be energy efficient • Appropriate pest control (e.g. swot a fly rather than spray insecticide) • Not placing foreign objects down the toilet • Respecting the rights of other guests (e.g. refraining from making a noise, playing radios, musical instruments, etc.) • Noise control, • General health regulations i.e. No smoking in public, etc. 	Lodge Manager
Fuel Storage		

7. ENVIRONMENTAL MANAGEMENT SYSTEM (EMS)

An Environmental Management System (EMS) is an internationally recognized and certified management system that organizes the organization's environmental programs in a comprehensive, systematic, planned and documented manner. The proponent should develop and implement an EMS for the operation of the proposed guest lodge. An EMS ensures ongoing incorporation of environmental constraints. With the aim to improve the environmental performance with resulting increases in operational efficiency, financial savings, and reduction in environmental, health and safety risks.

The key elements of an effective EMS are:

- The development of a Safety, Health and Environmental (SHE) Policy, which is a statement of a company's commitment to the environment and can be used as a framework for planning and action.
- An assessment of corporate activities, products, processes, and services that might affect the environment.
- Details of environmental regulations and legislation that apply to the business and how to comply with these.
- Written procedures to control and document activities that could have a significant environmental impact.
- An environmental improvement programme, including policies and procedures to manage waste and resources.
- Defined environmental roles and responsibilities for staff.
- A formal and recorded staff training and environmental awareness programme;
- Systems for internal and external communications on environmental management issues.
- A record of environmental performance against set targets.
- Systems to identify and correct problems and prevent their recurrence.
- Emergency procedures to follow in the event of an environmental incident.
- Periodic audit to verify that the EMS is operating as intended; and
- Formal review by senior management with a view to adapting and improving the EMS, as necessary.

8. CONCLUSION

Although the implementation of this ESMP requires a multitude of administration, the proponent should play a pivotal role in the implementation of this ESMP as outlined in the report. The proponent should therefore ensure proper coordination with other stakeholder and may provide training to all parties when necessary.

The proponent should also ensure to avail necessary resources (i.e. human, financial etc.) and synergies to enable the implementation of this ESMP. Upon approval by the authorities, this ESMP shall be considered legally binding and any deviation or transgression from this ESMP is punishable by law as per the Environmental Management Act, No. 07 of 2007. The preparation of this ESMP is based on the current information provided, any changes or deviation from the initial plan of this project shall trigger changes to this ESMP. A copy of this ESMP shall be kept by the at the lodge at all times.

The competent authority is mandated to conduct regular monitoring and inspections on this project. The proponent is liable to submit regular (biannually) reports to the Ministry of Environment, Forestry and Tourism during the life span of the project and ensures the renew of the ECC every three years.