

Conservancies claim rhinos threatened by mining



By Werner Menges
16 September 2024

Mining operations will pose a direct threat to critically endangered black rhinos in an area south-west of Khorixas.

This is detailed in an urgent application filed at the Windhoek High Court by two communal conservancies, a traditional authority and a tourism operator.

Black rhinos in the area will be under increased threat of poaching or migrate out of the area if plans to start mining operations go ahead, the Doro !Nawas and Ūibasen Twyfelfontein conservancies, the ≠Aodaman Traditional Authority and the company Ultimate Safaris claimed in an urgent application filed on Friday.

They also claimed that the issuing of mining claims in a well-known rhino range area is a direct contradiction of Namibia's national strategy on wildlife protection and law enforcement and a national policy on prospecting and mining in protected areas signed by environment, forestry and tourism minister

Pohamba Shifeta and mines and energy minister Tom Alweendo in 2018.

The Doro !Nawas and Ôibasen Twyfelfontein conservancies, the ≠Aodaman Traditional Authority and Ultimate Safaris are asking the court to issue an interdict prohibiting any mining activities on 10 mining claims situated south-west of Khorixas and north-west of Uis.

They are also asking the court to prohibit the use of heavy machinery to construct a new road from the D2612 road to the west, to the site of the 10 mining claims held by a Windhoek resident, Ottilie Ndimulunde.

The two conservancies, the traditional authority and Ultimate Safaris have cited Ndimulunde, Ministry of Defence and Veterans Affairs official Timoteus Mashuna, who also has mining claims in the same area, the environmental commissioner, the minister of environment, forestry and tourism, the mining commissioner, the minister of mines and energy and the Sorris Sorris Conservancy as respondents in their urgent application.

An interdict similar to the one being sought against Ndimulunde was issued against Mashuna by acting judge Kobus Miller on 24 August.

Ndimulunde has given notice that she is opposing the application in which she is cited as the first respondent. The applicants are asking the court to issue an interdict that should be in force while a separate application, in which they are requesting the court to review and set aside environmental commissioner Timoteus Mufeti's decision to issue environmental clearance certificates to Ndimulunde and Mashuna, is pending in court.



In that application, the four applicants are also asking the court to review and set aside the mining commissioner's decisions in June this year to approve applications from Ndimulunde and Mashuna for the registration of mining claims.

In an affidavit filed at the court, Doro !Nawas Conservancy vice chairperson Lourens Hoeseb says an environmental impact assessment report completed before environmental clearance certificates were issued to Ndimulunde and Mashuna failed to mention that human activity associated with mining would increase the likelihood of poaching in the area of their mining claims.

The report also failed to mention that mining operations, including the use of earthmoving equipment and blasting, would disturb the local rhino population and likely cause the rhinos in the area, which attract tourists, to move away, Hoeseb says.

He is also claiming that Ndimulunde and Mashuna have not complied with a condition on which the environmental clearance certificates were issued to them, which is that no new roads may be established in the area where their mining claims are situated and that they should work closely with tourism operators in the area to ensure their planned mining activities are compatible with tourism in the area.

In an answering affidavit filed at the court, Ndimulunde says all of her mining claims fall within the geographical area of the Sorris Sorris Conservancy, and not the two conservancies suing her.

She also alleges the litigation is being driven by Ultimate Safaris, which she says is benefiting its previously advantaged

owners “and the rich mostly previously advantaged tourists who can afford the high prices charged by [Ultimate Safaris]”.

Ndimulunde is denying that she is creating a new road in the area.

Mining took place in the same area previously, but it is only now that a previously disadvantaged person wants to continue with mining that the applicants are complaining about it, according to Ndimulunde.

The four applicants wanted their application to be heard yesterday afternoon, but it was postponed by judge Orben Sibeya and is now scheduled to be heard today.