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TO:
The Honourable Mr Pohamba Shifeta
Minister of Environment & Tourism

Dr. Malan Lindeque
Permanent Secretary of the Ministry of Environment & Tourism

Mr T. Nghitila
Environmental Commissioner of Namibia

RE: Access to information on the Environmental Impact Assessment (EIA) documentation and Environmental Clearance certificates granted to Dundee Precious Metals for modifications and new facilities at the Tsumeb smelter.

Dear Honourable Minister

CEE Bankwatch Network (www.bankwatch.org), is an international environmental organization that has been involved in watchdog activities over the correct application of Environmental Assessment procedures and the actual operations of Dundee Precious Metals in Bulgaria and Armenia. Bankwatch activists and experts have assisted the affected communities in their struggles to gain social and environmental justice for many years. Dundee Precious Metals have sought our opinion on their projects in the past and in their recent investments. We believe we fairly consider ourselves an interested party and we are recognized as such under the European legislation. We aim to participate in the consultation process on investment proposals according the European and Namibian Environmental legislation.

The Tsumeb smelter in Namibia is a treatment facility of the copper (or rather say complex) concentrate produced in the Chelopech mine in Bulgaria, and as part of our main goals it is essential to watch closely any environmental related concerns in order to promote the sustainable management of the environment during the complete production chain of the mine and the products and by-products of the mine.

The Environmental Management Act (Act No. 7 of 2007) of Namibia in Section 17(2)(g) and (h), states as follows:

“The functions of the Environmental Commissioner are to – (g) maintain a register of environmental assessments undertaken in terms of this Act and (h) maintain a register of environmental clearance certificates issued and environmental plans approved in terms of this Act.”

The Act further states in Section 38 that copies of these records must be made available for public inspection at the Office of the Environmental Commissioner during office hours. It is thus with a great disappointment that we must inform you that we have been unable to access these documents or registers on various occasions over a couple of weeks upfront and during our visit to Namibia in the period 10-22 August 2015. Our attempts include the following:

- An official e-mail request for a meeting and access to this information sent on 24.03.2015 to the e-mail addresses of the Environmental Commissioner, the Deputy Environmental Commissioner as well as the Deputy Director of the Environmental Assessment Department listed on the webpage of the Ministry of Environment and Tourism. This was followed up by numerous attempts to reach said offices over the phone;
- A second e-mail request on 30.07.2015 thereafter followed by a number of further telephone call attempts that remained unanswered;
- Three requests for a meeting and access to this information directed through the Secretary of the Environmental Commissioner and mobile phone communications on 11, 12 and 13 August 2015;
- A further official e-mail request for a meeting and access to this information sent on 16.08.2015 and followed by attempts to contact them over the phone.

It is for this reason that we are addressing this letter to your Honourable Office as we are of the opinion that the implementation of the law has been impeded by various practical reasons and we therefore kindly request your assistance in the following:

1. To obtain access to information and documentation on the Environmental Impact Assessment that was conducted as well as the Environmental Clearance certificates issued to Dundee Precious Metals for modifications and erection of new facilities at the Tsumeb smelter. If it is possible, request the information in electronic format (pdf files) as well as access to the hard copies.
2. The upload and regular update of the EIA and Environmental Clearance certificates registers at the web-page of the Ministry of Environment & Tourism or other appropriate web platform.

The Internet access to those public registers and records is well recognized worldwide as a good administrative practice which will guarantee the proper implementation of the law, will reduce the administrative burden for your administration and will prevent additional problematic issues such as the access to justice in cases of appeal.

For further communication, our contact is:
- email: info@zazemiata.org

We thank you for your valued and kind assistance herein, and look forward to hearing from you soon.

Yours Sincerely
Genady Kondarev



Member of the Executive Board
of Za Zemiata – Friends Of The Earth Bulgarian
and member of CEE Bankwatch Network