**Good governance quality in Namibia’s Environmental Impact Assessment process**

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# GOOD GOVERNANCE QUALITY IN NAMIBIA’S EIA PROCESS

**Abstract**

EIA is a well-known environmental governance tool. However, its quality is influenced by the governance setting and context in the country of implementation. EIA in Namibia started in the 1980s, voluntarily, with only a minimal post facto EIAs in the mining sector. After independence, the Environmental Management Act and regulations were developed. Since the development and implementation of EIA in Namibia, no study has assessed the quality of Namibia’s assessments and the governance context under which EIA is conducted. This study assesses the quality and adequacy of the EIA mechanism in Namibia and the extent to which the EIA process satisfies good governance principles. The evaluation criteria used were obtained from several sources in the literature and based on the United Nations governance principles. Data were collected through a questionnaire survey and subsequent semi-structured interviews with experts. Out of 12 criteria used to examine adequacy, only four were scored as adequate, including legal basis, EIA scope, compliance, and procedures. Important EIA requirements on cumulative impacts, alternatives, follow-up, and administration were rated as inadequate. Namibia's EIA process partially satisfies eight out of ten qualities of good governance, with accountability and transparency rated as poor. These inadequacies may have implications for the quality of assessment undertaken and the decisions that are made. An EIA process that fails to meet good governance qualities can be deemed unfit to achieve the intended purpose. According to interviewed experts, Namibia can improve EIA quality by supporting legislation with clear guidelines, procedures, and financial commitment, and decentralising EIA services to local administrative tiers including traditional authorities.

Keywords: EIA process, accountability, decision-making, context, Namibia

## 4.1 Introduction

Political and socio-economic context plays an important role in the quality and efficacy with which legislative and institutional regimes for environmental management are developed and implemented (Marara et al., 2011). In developing countries, the impact of different backgrounds and contexts is manifested in the interest and attention given to environmental protection and environmental governance tools such as Environmental Impact Assessment (EIA). EIA has become a popular decision-support tool because it is intended to enhance good governance and sustainable development. EIA systems are put in place to increase accountability in environmental decision-making by utilizing a reliable and verifiable basis (Bond et al., 2020).

EIA is used as a planning tool with many purposes, but generally, it aims to identify in advance the possible environmental consequences of planned projects and to seek means to prevent negative impacts from development. EIA as a governance tool has the objective to restore and maintain environmental quality, supporting sustainable development that is more in harmony with the conservation of ecosystems and protection of human health and social wellbeing (Jalava et al., 2013; Keken et al., 2022; Morgan, 2012). A quality EIA process also plays an important role in delivering the evidence necessary to support critical environmental imperatives including climate change mitigation, promotion of environmental justice, and sustainable investments (Bice & Fischer, 2020). EIA's gradual development and improvement in achieving accurate predictions of impacts can also be a crucial factor in preventing, reducing, or compensating for environmental risks associated with different development activities (Bice & Fischer, 2020; Keken et al., 2022). While EIA is a trusted tool, critiques surrounding its functioning and quality are growing.

Numerous research has focused on evaluating and understanding the regulatory and technical aspects of EIA EIA (Ahmad & Wood, 2002; Chanchitpricha & Bond, 2013; Elvan, 2018). Extensive research evaluated the quality of the EIA by reviewing EIA reports (Mounir, 2015; Sandham et al., 2013). The weaknesses typically identified in those studies relate to the capacity of authorities involved, public participation, scoping and impact prediction, EIA follow-up, monitoring, consideration of alternatives and cumulative impacts (Mounir, 2015; Sandham et al., 2013). While EIA quality studies have shown that the overall quality of EIAs has often improved with time (Barker & Jones, 2013; Bond et al., 2018; Jalava et al., 2013; Sandham et al., 2013), quality reviews should not merely be a matter of checking that required contents are produced in the reports and that relevant information is presented. A useful review should consider the quality and success of the whole EIA process in its specific governance context.

The quality of the EIA process in different countries is influenced by the dynamic governance contexts, characterized by varied demographics and urbanization (Retief et al., 2016), intensive project delivery (Bice et al., 2020), (Bice & Fischer, 2020), developing technologies (Sinclair et al., 2017), increasingly interconnected geographies and political uncertainties (Chi et al., 2016). This means EIA operates within incredibly complex contexts, rife with vagueness and uncertainty (Bice & Fischer, 2020), an indication that governance context and EIA instruments cannot be dissociated.

In a review of the EIA system in Australia, eight governance principles were identified as appropriate to evaluate the quality and efficiency of the EIA process, namely participation; transparency; certainty; accountability; integrity; cost-effectiveness; flexibility; and practicality (Morrison-Saunders & Bailey, 2000). In another study, Chi et al. (2016) evaluated EIA from a governance perspective using a framework with process integration, professional governance, and public engagement as quality enablers or inhibitors of EIA in China, the United States, and Finland. According to Meuleman (2015), governance frameworks have an impact on EIA as they offer both constraints and opportunities for EIA systems and procedures. Monteiro and Partidário (2017) investigated why governance is important in EIA by reflecting on its role in promoting engagement, collaborations, learning processes, and sustainability. Building on this body of work, we argue that, if EIA is known and accepted globally as a governance tool, then the system and the processes should uphold and conform to good governance principles. In this study, good governance principles are used as measures to analyse the quality and governance context in which the EIA system is implemented in Namibia.

Quality is defined according to project management to mean the degree to which all project elements put together, including processes and end products, fulfil requirements and standards and satisfy stakeholder needs (Project Management Institute [PMI], 2017). The elements and processes in this study refer therefore to the process and the different stages of Namibia's EIA system; the standards are the United Nations good governance principles, while stakeholder needs are the views of interviewed experts. For Namibia, analysis of the quality of EIA and the governance context is an important endeavour because environmental assessment is still relatively new in Namibia, with the Environmental Assessment Policy (1995), followed by the Environmental Management Act (EMA) promulgated in 2007 and subsequently the EIA regulations in 2012.

Namibia inherited a colonial legacy of institutional segregation and economic inequality which generally contributed to environmental degradation and habitat destruction in certain areas (Ministry of Environment and Tourism [MET], 1995). The economy of Namibia is dependent on natural resources, mainly based on mining, fishing, tourism, and agriculture, which are vulnerable to environmental degradation and depletion. The Environmental Assessment Policy of 1995 emphasized an urgent and fundamental need for an instrument to facilitate economic development, foreign investment, and the alleviation of poverty in a newly independent Namibia (MET, 1995). The policy specifically acknowledged that Namibia is an arid country and that water scarcity and the land’s carrying capacity need to be considered before policy formulation and during all stages of planning. The EMA emphasized EIA as a key tool, amongst others, to further the implementation of a sound environmental policy which strives to achieve integrated environmental management and sustainable development.

Thus far, only a few studies have assessed the Namibia EIA system and no research to date has examined the quality and governance context of EIA in Namibia. The objective of this research is therefore to analyse the quality of the Namibia EIA system by examining the governance mechanism in place for the conduct of EIA and the extent to which the process satisfies good governance principles.

## 4.2 Methodology

Our approach to evaluating the adequacy and quality of the EIA system in Namibia is based on evaluative and quality control criteria derived from the literature and supported by the perceptions of EIA actors. The ten criteria used are based on the good governance qualities as agreed international standards used by international bodies including the World Bank and United Nations Development Programme (UNDP, 2011). The extent to which an EIA process meets the good governance qualities can be used to distinguish between weak and good governance of the EIA system and subsequently its state. Weak governance is associated with negative outcomes closely linked to social mishaps such as corruption, social exclusion, and a lack of trust in authorities, whereas good governance has the potential to regulate and enforce sound policies and produce positive outcomes (Asefa & Huang, 2015).

Data was gathered through a questionnaire survey and semi-structured interviews. The questionnaire was sent to about 300 experts from a database of environmental experts and actors obtained from the Ministry of Environment, Forestry, and Tourism [MEFT]. A total of 110 experts familiar with the EIA process responded during the period October 2018 to March 2019. To obtain more explicit information and for triangulation purposes, survey respondents were requested to indicate their willingness to participate in face-to-face interviews. As a result, 25 respondents were interviewed representing the Department of Environmental Affairs (DEA) (three), Government ministries assigned as Competent Authorities (CA) (five), Local Authorities (two), Environmental Assessment Practitioners (EAP) (eight), Academics (two), State Owned Enterprises (SOE) (two) and Non-Governmental Organization (NGO) (two). Questions in the survey and interviews were technical and EIA-specific, therefore the public and people without knowledge of EIA were excluded. Due to a limited number of experts in Namibia, the sample of twenty-five is representative of all the key EIA actors nationally. A detailed profile of participants in the survey and interviews is provided in Table 1. Responses of interviewed participants are presented using coded names for the purpose of confidentiality and ethics of the research.

**Table 1:** Background information of the survey respondents

|  |  |
| --- | --- |
| **Survey** | **Interviews** |
| **Variable** | **Category** | **(n)** | **(%)** | **(n)** | **(%)** |
| ***Gender*** | Female | 42 | 38 | 7 | 28 |
| Male | 68 | 62 | 18 | 72 |
| ***Highest Qualification*** | Grade 12 | 0 | 0 | 0 | 0 |
| Bachelor | 28 | 25 | 0 | 0 |
| Masters | 64 | 57 | 15 | 60 |
| PhD | 20 | 18 | 10 | 40 |
| ***Age category*** | 20-30 | 13 | 12 | 0 | 0 |
| 30-40 | 62 | 56 | 8 | 32 |
| 40-50 | 17 | 15 | 10 | 40 |
| 50+ | 19 | 17 | 7 | 28 |
| ***Years of experience in EIA projects*** | Less than 1 year | 10 | 9 | 0 | 0 |
| 1-5 years | 42 | 39 | 7 | 28 |
| 5-10 years | 31 | 28 | 11 | 44 |
| 10+ years | 26 | 24 | 7 | 28 |
| ***Number of EIA projects involved in*** | None | 12 | 11 | 0 | 0 |
| 1-4 | 32 | 30 | 0 | 0 |
| 5-9 | 19 | 18 | 10 | 40 |
| 10+ | 43 | 41 | 15 | 60 |

*Total count (n)=110*

As per the definition adopted in this study, the quality of the EIA system is assessed based on the elements, processes, and standards in place. For the elements and process, 12 criteria were adopted from Sadler (1996). These elements are seen as critical and allow for an appraisal of the quality and adequacy of the EIA system. They include: (a) legal basis and policy provisions, (b) Scope of EIA application to listed activities, (c) Requirements for compliance, (d) Procedures in place for the conduct of EIA, (e) Technical guidelines for EIA, (f) Requirements for public scrutiny and participation, (g) Consistent and impartial administration, (h) Clear links of EIA findings to decision-making, (i) Requirements for alternatives, (j) Requirements to assess cumulative impacts, (k) Requirements for sustainability, and (l) Requirements for follow up and monitoring. In terms of standards, United Nations principles of good governance are used as quality measures by assessing the extent to which the Namibia EIA system satisfies them. The UN's good governance qualities include: i) rule of law, ii) participation, iii) coordination, iv) transparency, v) responsiveness, vi) consensus orientation, vii) equity, viii) legitimacy, ix) effectiveness and efficiency, and x) accountability (World Bank, 2011) and UNDP, 2011). A Likert scale of 1-5 was used to rate the criteria according to actors' perceptions where 1 = excellent, 2= good, 3= limited, 4 = poor. Herein, excellent, and good represent an adequate system and limited and poor represent an inadequate system. For the governance standards, respondents rated governance in Namibia EIA as follows. 1=fully met, 2=partially, 3= marginally, 4= poor. Additional information was obtained through semi-structured interviews.

The survey responses were analysed using the Statistical Package for the Social Sciences (SPSS 25) and Microsoft Excel (25) and presented as descriptive statistics. Expert interviews were audio recorded, transcribed, and organized using NVivo 12 software. Transcripts were analysed using a deductive approach using thematic analysis (Vaismoradi et al., 2013).

## 4.3 Results

## 4.3.1 Adequacy of EIA Mechanisms in Place for the Conduct of EIA

Survey respondents rated the adequacy of 12 EIA mechanisms (Figure 1). On a 50% threshold mark for "adequate governance mechanisms vs inadequate governance mechanisms” of Namibia’s EIA system, only four elements out of 12 are rated as adequate and include provisions and requirements on the legal basis, EIA scope, requirements for compliance, and EIA procedures. The rest of the eight EIA mechanisms, including the requirements for cumulative impacts, and consistent and impartial administration, were rated as inadequate by more than 60% of the respondents.

A substantial proportion of 68% of respondents scored the requirement on follow-up and monitoring as inadequate, (Figure 1). Another important element of technical guidelines for EIA was also rated inadequate, being perceived as limited by 40% and poor by 18% of the respondents respectively (Figure 1).

*Legal basis & policy=Legal basis*, *Scope of EIA application to listed activities=EIA scope,* *Requirements for compliance=Compliance,* *Procedures for the conduct of EIA=Procedures,* *Technical guidelines for EIA=Guidelines, Public scrutiny & participation=Participation, Consistent & impartial administration=Administration, Clear links to decision-making=Decision, Requirements for alternatives=Alternatives, Requirements to assess cumulative impacts=Cumulative, Requirements for sustainability=sustainability, Requirements for following up and monitoring=Follow-up*

**Figure 1**: Summary chart of the stakeholders’ views on the adequacy of governance mechanisms in place for the conduct of EIA (n=110).

## 4.3.2 Good governance Qualities in the Namibia EIA process

To understand the specificity of the governance context under which EIA is implemented, survey respondents were asked to rate the extent to which the Namibia EIA process satisfies the qualities of good governance.

Out of the ten good governance qualities, the Namibia EIA process partially satisfies eight of the principles: i) rule of law, ii) coordination, iii) participation, iv) responsiveness, v) consensus-oriented, vi) equity, vii) effectiveness, and viii) legitimacy. The principle of accountability is marginally met, and transparency was considered poorly met (Table 2). The results of each governance quality are discussed in the section below.

**Table 2**: Frequency to which the EIA process conforms to good governance qualities.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Good governance qualities** | **Options** | **Frequency** | **Valid Percent** | **Cumulative Percent** |
| Rule of Law*(N=110)* | Fully met | 28 | 25.7 | 25.7 |
| Partially met | 50 | **45.9\*** | 71.6 |
| Marginally met | 19 | 17.4 | 89.0 |
| Poorly met | 11 | 10.1 | 99.1 |
| No opinion | 1 | 0.9 | 100.0 |
| Linkages & Coordination*(N=110)* | Fully met | 14 | 12.7 | 12.7 |
| Partially met | 45 | **40.9\*** | 53.6 |
| Marginally met | 30 | 27.3 | 80.9 |
| Poorly met | 17 | 15.5 | 96.4 |
| No opinion | 4 | 3.6 | 100.0 |
| Public participation*(N=110)* | Fully met | 30 | 27.3 | 27.3 |
| Partially met | 48 | **43.6\*** | 70.9 |
| Marginally met | 18 | 16.4 | 87.3 |
| Poorly met | 14 | 12.7 | 100.0 |
| No opinion | 0 | 0 |  |
| Responsiveness*(N=110)* | Fully met | 12 | 10.9 | 10.9 |
| Partially met | 43 | **39.1\*** | 50.0 |
| Marginally met | 33 | 30.0 | 80.0 |
| Poorly met | 18 | 16.4 | 96.4 |
| No opinion | 4 | 3.6 | 100.0 |
| Consensus Oriented*(N=106)* | Fully met | 11 | 10.0 | 10.0 |
| Partially met | 53 | **48.2\*** | 58.2 |
| Marginally met | 28 | 25.5 | 83.6 |
| Poorly met | 14 | 12.7 | 96.4 |
| No opinion | 4 | 3.6 | 100.0 |
| Equity*(N=107)* | Fully met | 16 | 14.5 | 14.5 |
| Partially met | 43 | **39.1\*** | 53.6 |
| Marginally met | 29 | 26.4 | 80.0 |
| Poorly met | 20 | 18.2 | 98.2 |
| No opinion | 2 | 1.8 | 100.0 |
| Accountability*(N=110)* | Fully met | 13 | 11.8 | 11.8 |
| Partially met | 33 | **30.0\*** | 41.8 |
| Marginally met | 33 | **30.0\*** | 71.8 |
| Poorly met | 28 | 25.5 | 97.3 |
| No opinion | 3 | 2.7 | 100.0 |
| Transparency*(N=107)* | Fully met | 17 | 15.6 | 15.6 |
| Partially met | 31 | 28.4 | 44.0 |
| Marginally met | 25 | 22.9 | 67.0 |
| Poorly met | 32 | **29.4\*** | 96.3 |
| No opinion | 4 | 3.7 | 100.0 |
| Legitimacy*(N=107)* | Fully met | 16 | 14.8 | 14.8 |
| Partially met | 39 | **36.1\*** | 50.9 |
| Marginally met | 31 | 28.7 | 79.6 |
| Poorly met | 21 | 19.4 | 99.1 |
| No opinion | 1 | .9 | 100.0 |
| Effectiveness & Efficiency *(N=107)* | Fully met | 7 | 6.4 | 26.2 |
| Partially met | 40 | **36.4\*** | 56.1 |
| Marginally met | 32 | 29.1 | 93.5 |
| Poorly met | 28 | 25.5 | 100.0 |
| No opinion | 3 | 2.7 |  |

|  |
| --- |
| *\*Linkages & coordination= partially met, \*Public participation = partially met, \** *Responsiveness= partially met, \* Consensus oriented= partially met, \*Equity=partially met, \* Accountability oriented = marginally & partially met, \* Transparency=poorly met, \* Legitimacy =partially met, \* Effectiveness & efficiency = partially met**N= Total Number of participants* |

#### 4.3.2.1 Rule of Law

The rule of law indicator is defined as the extent to which the EIA process is based on a good and impartial legal system that protects the environment and its people. The results show that 45.9% of participants rated the principle of the rule of law in the Namibia EIA system as partially met. A government scientist asserted that: *"I feel that the Namibia EIA process is not satisfying good governance qualities therefore it's a no, the rule of law is in place, but with various gaps, and no effort is made to evaluate the legislation." [GovS1).* Another Government senior scientist also indicated that while environmental laws exist, they are not respected. The senior scientist pointed out developments that have not followed environmental impact assessment recommendations saying: “*Look at coastal developments, there is multimillion-dollar development that should never have happened, for example, the Container terminal project, and the Platz A-meer raft extension was not part of the initial EIA. In those instances, the environmental rules were not followed” [GovSS1].*

#### 4.3.2.2 Coordination and Linkages

Coordination means the EIA process enhances appropriate coordination and communication among organizations and institutions. This element was rated as partially met by 40.9% (Table 2). Interviewee from the local authorities noted that coordination is weakened due to a lack of decentralization of EIA services, stating that: “*There is no coordination, and the systems are not speaking to each other” [LA1].* The local authority expert suggested that the EIA process should be coordinated and decentralized using structures that are within the community.

A Senior Manager from the local authority noted that: *“The EIA tool is useful, but when it comes to communication and coordination, there is hardly communication between the DEA and other organs of state and there are no clear guidelines on who the competent authorities are for different resources or development and what they ought to do” [LAM2)*. However, the expert indicated that coordination and communication can be improved if the Department of Environmental Affairs (DEA) collaborated with local authorities and municipalities who are the custodians of developments and service delivery in their area of jurisdiction. Other experts added that municipalities are experiencing difficulties with the implementation and coordination of EIA because local authorities lack appropriate administrative structures and expertise in the field of environmental management. Mention was also made about the exclusion of traditional and religious structures to improve coordination in the EIA process. A Senior Government Official stated: “*In most cases, people choose to go with the political structures but then the traditional and religious structures are the ones that are closer to the people*” [GovSS2].

#### 4.3.2.3 Participation

Participation means that the EIA process promotes consultation of all interested and affected parties and that decisions consider their interest, needs, and values. The Namibia EIA process partially meets the principle of participation (Table 2). Participation was one of the most frequently mentioned governance qualities in the interviews. Respondents highlighted that the low rating is a result of various shortcomings concerning the participation methods and approach used in the EIA process.A Manager of an NGO cited that: “*In the current legislation the issue of public and stakeholder consultation and communication is not stated well, especially how it should be done, what is the maximum number of people to be consulted, and at what level. The consultants therefore choose what they see fit*.” [NGOM1]. An academic asserted that public participation is a challenge in the EIA process, noting that “*There is a lack of deliberation in the EIA process, and the consultants only come to inform the public about their projects, so the EIA process is not transparent and not legitimate” [ACA1].*

#### 4.3.2.4 Responsiveness

Responsiveness means that the EIA process responds to concerns raised by stakeholders and the public, within a reasonable time frame. The rating of the respondents shows that the EIA process partially meets the principle of responsiveness (39.1%; Table 2). A government scientist indicated that there is no assurance that public comments are responded to or considered in the final assessments. The scientist criticized the EIA system saying: "*Sometimes we give comments, but they are not included in the final submission which one is only lucky to see, and one cannot do much about it” [GovS3].*

#### 4.3.2.5 Consensus Oriented

Consensus-oriented means the EIA process mediates between many different needs, perspectives, and expectations of stakeholders. Almost half of the respondents (48.2%) across the five groups involved in the survey indicated that the EIA process partially satisfies the principle of consensus-oriented (Table 2). The majority of interviewees were pessimistic about this criterion, citing that only a few people partake in the EIA process. A senior scientist noted that: "*It’s difficult to agree on this criterion. In Namibia only a few educated or urban people are often involved in EIA, and only those perspectives are considered. We can only measure good governance if people know and are aware, which is not the case” [GovSS3].*

#### 4.3.2.6 Equity

Equity means the EIA process is fair and enhances the representation of communities and stakeholders. The Namibia EIA process partially satisfies the equity criterion (Table 2). Interviewed experts indicated that equity is a challenge in several structures in Namibia, including EIA. A local authority expert noted that: “*That’s the purpose of EIA to enhance equity, but not in Namibia*” [LA2]. It was suggested that more education, awareness, and political will toward the EIA process can enhance fairness and equity.

#### 4.3.2.7 Accountability

Accountability means decision-makers and the proponents are responsible to all parties, including the public, for both the decision and their actions in the EIA process. The respondents’ views were split with 30% rating accountability in the EIA process as partial or marginal (Table 1). Interviewed experts highlighted accountability as a challenge in the decision-making, monitoring, and implementation of the EIA process. A Senior Government Official noted that accountability is a subset of responsibility commenting: *“I feel there is no accountability in the EIA system because even the regulatory body that issued the ECC indicates on the conditions that they are not liable for damages, which places a blame or responsibility on no one" [GovSS5].* A Junior Consultant also echoed the same view saying: “*People are taking advantage of the lack of accountability knowing they will not be held responsible because on the ECC, MET is saying that they will not be held liable and accountable for whatever is going to happen; and MET hardly inspect approved projects* *[EAP4].* Interviewees highlighted the need to add stringent measures and conditions to the ECC to show government seriousness in enforcement and punishment in case of misconduct.

#### 4.3.2.8 Transparency

Transparency means the EIA process and decision-making process are open and accessible. Survey respondents had divergent views on transparency. Table 2 shows that the EIA process in Namibia poorly satisfies the principle of transparency (29.4%). Interviewees stressed the lack of transparency in the EIA process. Senior Officials from the NGO and Consultancy sectors cited the lack of access to information as contributing to the lack of transparency. An interviewee from Government stated: *"About transparency, the whole EIA process needs revisiting because a lot of information is not accessible to the public and therefore, we cannot say the process is transparent” [GovS4].* Another Consultant shared a similar sentiment, indicating that: “*I love working for the good of the environment but the transparency around EIA is almost zero” [EAP3].* A senior consultant highlighted that transparency is also affected by conflict of interest, stating that: “*Namibia's population is small, and the environmental sector has few experts who know each other and are often conflicted, which brings a lack of transparency in some areas" [EAP7].* Representatives from the decision-making authority however indicated that the review and decision-making stages of the EIA process are open and transparent. A scientist from the DEA noted that: “*The review and decision-making process is very transparent, and assessment is done by different officers and not the environmental commissioner alone” [GovS6].* Majority of the interviewees highlighted corruption and political influence in the EIA process as impediments to transparency. A senior government expert asserted that: “*In some projects, there is too much politics involved, sometimes it is perceived and sometimes it is actual, but the overall perception is that if there is too much politics involved then the process is likely to be less transparent” [GovS5].* The expert however, indicated optimism toward an improved EIA system saying: *“But I believe in the* *next few years the system will be in a much better position than it is now*” [GovS5].

#### 4.3.2.9 Legitimacy

Legitimacy considers the extent to which the EIA process is acceptable. Results show that the EIA process partially satisfies the principle of legitimacy (Table 2). Interviewed experts indicated that the low score on legitimacy is connected to public participation and how actors are regulated. Experts added that legitimacy is low in the EIA process because the government undertake projects with little consideration of EIA laws. Interviewees alleged that several projects including waste disposal in protected areas, water abstractions, and road construction, are implemented without an environmental clearance certificate (ECC). A senior consultant criticized the government saying: *“**Government themselves as the regulators are not abiding by many of its laws. The problem is bigger than EIA and when you go further you find that small projects are said to need an EIA while bigger projects go without it” [EAP8].*

#### 4.3.2.10 Effectiveness and Efficiency

Efficiency and effectiveness mean that the EIA process and its outcomes ensure environmental protection and sustainability at the least cost. The EIA process in Namibia partially satisfies the principle of efficiency and effectiveness (Table 2). Interviewees linked the effectiveness and efficiency of the EIA process to national governance and political will, with the majority mentioning that EIA as a tool is not getting support from the government. A government scientist asserted that: “*effectiveness in EIA has so much to do with political will and government support but that component is limited in Namibia*” [GovS3]. An expert from the private sector suggested that information sharing, and knowledge management can also contribute to efficiency. Interviewees suggested that a digital mapping system and a database are needed to depict different developments and to report on the number of approved and rejected projects annually. An engineer from the local authority indicated that digital and online systems can improve inspection, monitoring, and assessments of cumulative impacts.

A senior government official added that EIA's effectiveness is affected by the level of secrecy and dishonesty in the process, commenting: *"There is a lot of secrecy in this whole thing of EIA. You go and ask the sample design from those that undertake sampling and ask the protocols but sometimes they will not provide you with these things because they would not want you to see how they have manipulated the data. Honesty is not in EIA"[GovSS4].* Interviewees agreed that EIA efficiency and effectiveness can be improved through awareness campaigns and training programs on the environment and EIA across the country.

## 4.4 Discussion

Good governance principles should be embedded into the legislation, provisions, and requirements to ensure a quality EIA system. Studies examining the quality of EIA systems often focus on the EIA report, and only a few researchers have examined the mechanisms in place and the governance context. This study evaluated the adequacy of EIA governance mechanisms in place for the conduct of EIA in Namibia. On a 50% pass threshold, only the legal basis, EIA scope, compliance, and procedures were considered adequate, and eight criteria did not pass the threshold, so hence are viewed as inadequate. The mechanisms perceived as adequate are mainly those that are embodied in legislation. Criteria below the 50% threshold included critical requirements on cumulative impacts, alternatives, follow-up, and impartial administration. These inadequacies may have serious implications for the EIA system and can affect the quality of the assessment and subsequently, the decisions made. A good and innovative EIA system should encompass various mechanisms to provide environmental information needed for developing alternatives, the guidelines of the EAP to prepare an EIA report and to undertake formal public participation, and the requirement for follow-up (Arts et al., 2012). The requirement for assessment of cumulative impacts, follow-up and monitoring are cited as challenging mechanisms in both developing and developed EIA systems. Arts et al. (2012) indicated that the United Kingdom (UK) and the Netherlands have been criticized concerning the lack of consideration of cumulative impacts and alternatives in their EIA systems.

Kolhoff et al. (2013) highlights that EIA requirements in developing countries are often overly ambitious and cannot achieve the objectives in the light of constraining governance and political realities, including financial limitations. For sub-Saharan African countries, the Southern African Development Community (SADC) have been advocating for the harmonization of environmental policies and legal frameworks (Hartzenberg & Kalenga, 2015; Nshimbi & Fioramonti, 2014). With an inadequate EIA mechanism and requirements, Namibia can benefit from collaborative legislation and implementation guidelines from SADC. Such regional EIA programs can also strengthen transboundary EIA legislation and practices, with the possibility of expert exchanges and sharing of resources to ensure successful and quality EIAs.

Results show that out of the ten good governance qualities, the Namibia EIA process partially satisfies eight good governance principles, namely: rule of law, coordination, participation, responsiveness, consensus-oriented, equity, legitimacy, and effectiveness and efficiency. The principles of accountability and transparency are marginally and poorly met, respectively. Ideally, a well-conceived EIA should reflect many of the elements of good governance qualities to produce positive governance outcomes and to ensure formal and informal networks among stakeholders, deliberation, transparency, and accountability in decision-making (Chi et al., 2016; Kakonge, 2006). An EIA process that meets good governance qualities can also mitigate the hazards of political interests and conﬂicts (Monterio et al., 2017). Namibia's EIA process in this case may have minimal effect in producing quality results to effect good environmental decisions or to impact governance issues at the national level.

The question of good governance in the Namibian system is not new. According to Kandetu *et al.* (2001), the existing governance dilemma is no longer about the existence of institutions and representative structures, but mainly about access, responsiveness, and effectiveness of political and socio-economic systems. In terms of environmental governance, the constitution of Namibia accords high priority to environmental protection, as enshrined in Article 95. The Environmental Management Act (No. 7 of 2007) (EMA) and accompanying EIA Regulations in Namibia also expressly outline the essence of the EIA process in terms of the rule of law and its significant use for sustainable development. The partial ranking however acknowledges that the EIA rules are lacking. These findings are consistent with Husselmann's (2016) results, which revealed that Namibia's EIA process is not adequate, as it complies to some level with the rule of law, with some notable gaps. The main challenge found in this study is that the law is not followed particularly with big investments, and government is the main culprit in non-compliance. Some of the questionable developments mentioned by interviewed experts include the recently built Platz shopping mall in Swakopmund and the Walvis Bay container terminal, both on the Namibia coast.

According to Jordan & Lenschow, (2010) and Yang, (2018), EIA processes that conform to the notion of rule of law strongly promote other good governance qualities including transparency and accountability. When fulfilled, the fundamental principle of the rule of law also promotes access to justice (Roe, 2020). As a result of the study's findings, the Namibian environmental rule of law requires additional measures aimed at more effective implementation of EIA processes and stringent requirements on follow-up and monitoring, alternatives when developing and consideration of cumulative impacts to ensure good governance. The agencies entrusted with enforcing environmental laws, such as the DEA, should be strengthened to ensure consistent and impartial administrative structures which are accountable, responsive, and transparent.

The principle of coordination and participation is rated as partially met. It was suggested that there is a need to increase coordination and participation within the EIA process amongst Namibia's governing leadership institutions, including political, traditional, and religious entities to improve the EIA process's adherence to good governance standards. These findings are supported by Mustafa and ESCWA (2001), who also noted that institutional coordination across EIA implementation arrangements is a key factor in determining the efficacy and quality of EIAs. In the context of Namibia, traditional authorities and local councils are the closest to the communities. However, their role is restricted to advisory, supportive, and assistance functions regarding land and environmental matters (Kaapama et al., 2007). Strengthening the role of traditional authorities in the EIA process can be a helpful step toward getting communities' involvement and raising their awareness. Traditional authorities in Namibia are well noted in the success of custodianship of wildlife to locals through Community Based Natural Management (CBNRM) in Namibia, hence their involvement in the EIA process could usefully enhance participation and coordination among communities. According to Chi et al. (2016), good coordination and participation can create networks connecting stakeholders, increase interaction, create bonding, and thus foster a shared perception that may lead to collaborative decisions in EIA. Most Central Asian countries' EIA laws emphasize the necessity for improved coordination in the EIA process amongst institutions in very broad terms and without procedural constraints, especially amongst sectors (Klees *et. al.,* 2002). Interviewees suggested that to adequately govern the EIA process, decentralization of EIA services to regional government departments should be strengthened and tailored to Namibia's socio-cultural and political environment. In 1997, the government of Namibia adopted decentralization as a means of promoting equal economic, cultural, and socio-economic development, and improved participatory democracy, with the transfer of powers to regional and local government authorities. The Decentralisation Enabling Act (2000) provides for stakeholder consultation and communication (Republic of Namibia, 2000). EIA services should be top on the decentralization agenda for uptake into local and regional government to ensure cross-sectoral coordination and cooperation between the public and private sectors. At the local authority level, participation and coordination of the EIA process can also be coordinated through existing bodies such as the Constituency Development Committees (CDCs). CDCs are statutory bodies which operate at regional and local levels involving elected members, traditional authorities, representatives of NGOs and community-based organisations, youth, women, and people with disabilities, making it a good avenue for handling EIA participation and reviews (Republic of Namibia, 2000). In Chile, municipalities at the local level play a role in environmental impact assessment (EIA) procedures and channelling citizen complaints about environmental offences to appropriate enforcement authorities (OECD, 2016). If supported and strengthened, municipalities in Namibia can also become proactive institutions to decentralise EIA services and to advance the national agenda on sustainable development and environmental protection through project assessments. The bulk of Namibia's environmental challenges are cross-sectoral, including pollution, land degradation, and scarce water resources (Nangombe, 2021), hence necessitating a coordinated approach to environmental governance.

The principle of responsiveness and equity is also partially met in the Namibian EIA process. As a foundation for good governance, the World Summit on Sustainable Development (WSSD) in 2002 revitalized the EIA agenda to ensure that development is responsive to people's needs and that the rule of law is maintained for environmental justice (Sadler, 2001). The results of this study demonstrate the need for appropriate and timely opportunities for the Namibian public to be informed and heard fairly and equitably. The EMA (2007) considers intergenerational equity in the use of all-natural resources, and the EIA process (Ruppel & Ruppel-Schlichting, 2011). The challenge is however, that no action plan is in place to ensure this principle. The USA adopted an Equity Action Plan, a tool used to break through barriers and advance justice across underserved communities and their members to access and benefit from environmental opportunities through the federal government (Environmental Protection Agency [EPA], 2015).

In a context where 70% of the population lives in rural areas and depends on natural resources, Namibia needs an action plan and guidelines on how EIA can be a governance tool to improve equity and responsiveness to environmental rights. Namibia's administrative system's three tiers – central, regional, and local, including traditional authorities- can be an appropriate avenue for fostering equity through the EIA process. As suggested in the interviews, more education and awareness campaigns can enhance fairness, equity, community representation and overall environmental governance.

Results show the principle of legitimacy and consensus is also partially met in the Namibian EIA process. Bond et al. (2016) highlighted legitimacy as an important principle in the EIA process. According to Lai and Hamilton, (2020), if stakeholders believe the process is illegitimate, the implementation of EIA in conservation and development projects may be compromised. Interviewees view EIA in Namibia as not legitimate, as often only educated, and urban communities partake in it. Only 43% of the population lives in urban areas (National Planning Commission, 2015). This means a large proportion of citizens living in rural areas have limited opportunity to partake in EIA, a notion that contributes to an illegitimate process. In addition, interviewees noted that government projects do not comply with EIAs and some of the projects bypass the EIA procedures. If the Government responsible for ensuring the integrity of the EIA process is failing to comply, then it cannot control other developers and impose EIA as required. Other factors related to illegitimacy mentioned in the results include bribery and corruption, all of which are part of the contextual settings and contribute to poor governance.

EIA efficiency is influenced by the governance environment in which it takes place (Meuleman, 2015). Interviewed experts in this study noted that the efficiency and effectiveness of EIA in Namibia is affected by political influence in the EIA process, lack of political will and dishonesty in the process. A lack of political will and weak environmental institutions indicates poor governance (Ibeh & Walmsley, 2021). In their study of EIA in African countries**,** Marara et al. (2011) identified Rwanda as having high political will and Kenya and Tanzania as exhibiting low political will in governing EIA implementation. For Namibia, limited political will is a challenge and the EIA process is not supported enough financially to adequately promote good environmental governance.

Transparency and accountability are the two lowest ranked principles of good governance rated as poor and marginal respectively. According to Bond et al. (2020), EIA is aimed at bringing accountability and transparency to the decision-making process by providing objective and scientific evidence. Lack of transparency can directly affect several of the other principles and can contribute to weak governance. Such a ranking can therefore be detrimental to the quality of the EIA process and environmental governance in Namibia. Morrison-Saunders and Bailey (2000) state that the Canadian Environmental Assessment Agency highlighted transparency as a principle that provides certainty and accountability in the EIA process. Nuesri (2016) also noted that accountability serves to mitigate negative social and environmental impacts and protects against abuse of power, guiding the actions of powerholders towards more socially and environmentally sustainable results. According to the experts interviewed, lack of transparency and accountability in Namibia results from limited access to information, conflict of interest amongst EIA professionals and lack of monitoring and compliance by MEFT and political influence in the EIA process. Sosovele (2011) noted that a lack of accountability in enforcing environmental procedures is a governance failure that renders the EIA process ineffective.

A transparent and accountable EIA process can also be an enabling tool to build trusting relationships with indigenous communities and to reconcile biodiversity conservation and human development (Barker & Jones, 2013; Boiral et al., 2020), a factor that is important to a novice EIA system such as that for Namibia. Also, transparency in EIA can enhance administrative justice, a core factor in shaping the development of EIA (Alberts et al. 2022).

The poor ranking for transparency and accountability in the Namibia EIA process is a governance deficiency that requires urgent attention if the EIA is to be effective and purposeful. The Namibia government need to strengthen institutions to ensure that the EIA process is undertaken cleanly and is not influenced by corrupt forces. According to Williams and Dupuy (2017), corrupt behaviours thrive under conditions of secrecy, power imbalances and weak institutions, a condition which is familiar to Namibia. Ibeh and Walmsley (2021) noted that countries in sub-Saharan Africa, including Namibia, have weak environmental governance structures characterised by some degree of corruption, incoherent sustainability policies, weak environmental laws and non-existent monitoring and enforcement. These challenges not only impact environmental sustainability but can play an important role in national development, even limiting the achievement of global goals such as the SDGs. Some of the best EIA practices such as ensuring strict adherence to regulations through data and decentralized information provision, enhancing conflict resolution, innovation, and use of technologies for better involvement, awareness, and training, can improve the adequacy, quality and context under which EIA is implemented.

## Conclusion and recommendations

EIA can be considered a good environmental governance instrument, as it introduces rules and assigns specific roles and responsibilities to actors. Namibia's commitment to good environmental governance can be noticed in efforts to set up legislation and mechanisms for the conduct of the EIA process. Inadequacy however lies in the provisions and requirements on participation, alternatives, cumulative impacts, and monitoring of project impacts. These limitations culminate in the overall EIA process to partially satisfy good governance principles. The rating of transparency and accountability as poor is a setback for the quality of the Namibia EIA process. While legislation reforms and technocratic modification are needed to improve the quality of the EIA process, political approaches are needed to address the governance and contextual challenges associated with EIA in Namibia. Full involvement of the public and private sectors and urban and rural communities is needed. Contextual issues ranging from low political will and support, implementation of unauthorized projects and political influence in the EIA process, lack of decentralization of EIA services, and lack of resources have received low levels of attention, from the government. A befitting solution lies in strengthening, supporting, and utilizing local administrative tiers at regional, local, and traditional structures for including the public and private sectors, and grass-roots communities living in urban and rural areas of Namibia. Such efforts could help to ensure improved participation, coordination, legitimacy, accountability, and transparency in the EIA process and to ensure responsibility of project monitoring towards all actors. With the necessary improvements, EIA can become an essential tool not only to stir principled development but also to manage conflicts, contradictions, and inconsistencies which are ingredients of poor governance.

Based on our analysis we recommend that:

* There should be a commitment of political leadership and will from the Government to create an enabling environment for sustainable development using EIA. This requires the integration of environmental concerns in all major economic and social policies, plans and decision-making and that EIA procedures are strengthened to demand appropriate transparency, accountability, and compliance around the assessment efforts.
* Environmental authorities (DEA), require strengthening in monitoring and enforcement to ensure EIA compliance.
* Government projects should undergo EIA, and the government should be exemplary in undertaking quality assessments.
* Government should include all tiers of governance into the EIA process by making use of existing bodies and committees in the local and regional councils and the traditional authorities.

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