



NAMIBIAN PORTS AUTHORITY

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PER EMAIL

14 November 2024

Ms Federica Donati
Officer-in-charge
United Nations Human Rights Office of the High Commission
Special Procedures Branch
OHCHR

[Redacted]
[Redacted]
[Redacted]

Dear Ms Donati

RE: JOINT COMMUNICATIONS FROM SPECIAL PROCEDURES

Your letter dated 12 September with abovementioned subject matter, refers.

The content of your letter is duly noted, and I must from the onset underline that the Namibian Ports Authority (Namport) unequivocally rejects the suggestion that it is part of the authorities and business enterprises who lack recognition and appreciation of the cultural and historical importance of the Shark Island and the need to preserve it.

In fact, your correspondence of even date does expressly affirm that Namport is committed to obtaining all requisite approvals before commencing on the expansion of the Port of Lüderitz.

Notwithstanding the above, it is pertinent that we provide context on the proposed developments and, contrary to any notion that these developments seek to perpetuate and/or disregard the past injustices, the proposed expansion of the Port Lüderitz by Namport in fact represent a significant and pragmatic step towards complementing the Government of the Republic of Namibia's broader efforts towards alleviation of poverty and economic development of Namibia.

Namport is a state-owned enterprise that was established by an Act of Parliament, the Namibian Ports Authority Act, Act 2 of 1994 and is tasked to undertake the management and control of ports and lighthouses in Namibia and the provision of facilities and services related thereto.





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Part of Namport's mandate is to ensure that demand for seaborne trade within our ports is met with adequate and suitable port capacity. As such we have been expanding our two ports of Lüderitz and Walvis Bay, to meet demand, since we were established in 1994. To date major expansion projects undertaken by Namport include, amongst others, the following:

1. The expansion of the Port of Lüderitz Robert harbour in 1999, through the construction of a 500metres long quay wall, 10 hectares of land reclamation next to Shark Island and dredging of the submerged port basins and entrance channel, all within Namport's legal jurisdiction. This project established the Port of Lüderitz Robert Harbour's current capacity and enabled key industries in Southern Namibia to become viable and get off the ground, industries which today form the basis of some of the main economic drivers in Southern Namibia, such as commercial fishing and exports, zinc mining and exports, the offshore oil and gas exploration activities, to name just a few; and
2. The expansion of the Port of Walvis Bay South Port in 2019, through the construction of 900metres of additional quay walls and jetties, 40 hectares of land reclamation in the bay and dredging of the submerged basins and entrance channel, all within Namport's legal jurisdiction. This expansion project doubled the existing Port of Walvis Bay's cargo handling capacity. The Port of Walvis Bay today not only serves Namibia but also its landlocked neighbours and provides unmatched and unique access to seaborne trade to the entire Southern African region.

Both the Port of Lüderitz and Walvis Bay therefore serve as foundations for existing industries and create opportunities for all Namibians. Our seaports form the backbone of Namibia's economy, and it is fact that any bottlenecks such as a lack of adequate and timely capacity in our ports can and will have negative ripple effects which will affect every Namibian. It is for this reason that Namport is required to ensure that it continuously invest in port capacity to stay ahead of the demand.

Most significantly, the Port of Luderitz is one of the single largest catalysts for the economic growth and sustenance of the town of Luderitz and the immediate surroundings. It therefore stands to reason that any call(s) to stifle a structured, consultative and an all-pertinent factors considerate port expansion would be to the direct detriment of the continued development and progression of the town of Luderitz, the region and its inhabitants.

With the above said, we are cognisant of the fact that our ports are situated in sensitive environments, and it is well known that large infrastructure expansion projects in general, can have not just positive but also negative social and environmental impacts. For this reason, it is Namport's philosophy when implementing capital development projects to follow all the relevant legislation to the letter such as but not limited to, the Environmental Management Act (Act 7 of 2007) and the National Heritage Act (Act 27 of 2004), to name but a few.

The following projects are planned for the Port of Luderitz:

The Namibian Ports Authority was established by the Namibian Ports Authority Act, No. 2 of 1994, and is recognised as a public enterprise in terms of the Public Enterprises Governance Act, No. 1 of 2019.


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Port of Lüderitz Robert Harbour:

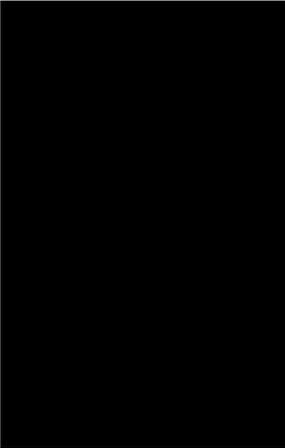
1. Namport plans to expand the existing port in Robert Harbour, next to Shark Island. Our expansion, just like the expansion we did in 1999 (as described above), will not extend to nor touch Shark Island, but instead be limited to the water area next to the island and all in the current port's legal jurisdiction. Following extensive due diligence, observance of, and compliance to, all requisite regulations and legislation, Namport expanded the existing port in the same manner in 1999. Importantly, this is also next to Shark Island and there were no negative effects to the island during the course of the expansion and post commissioning. It must be further emphasized that Shark Island was declared a National Heritage Site in 2019, and this recognition and official protection and preservation could therefore not have been possible had Namport desecrated the site in any form and/or manner during the works carried out in 1999 and predating this declaration. The Robert harbour expansion plans will see the main quay wall extended by 500metres northwards and see land reclamation of about 14 hectares of land in our current water area and strictly observing the same protocols.
2. We expect to start construction at the end of 2025 if we obtain all requisite approvals as per the various applicable legislations. We are currently busy conducting specialist environmental impact assessment studies to assess any social and environmental impacts. Since we will not physically touch Shark Island, the specialist studies dealing with the island are focussed on indirect impacts from noise and aesthetics. We are also carrying out both aboveground and underwater archaeological studies. Some of these specialist studies have already commenced and some are yet to commence. We expect to complete the specialist studies in early 2025 after which we will do another round of public and key stakeholder consultations to present the findings of the studies which will then guide the way forward.
3. This expansion of the port in Robert Harbour is aimed at increasing capacity for the current port activities, such as the fishing and mining activities in the southern part of Namibia. The expansion will also create much needed capacity for the booming oil and gas logistics industry that are today mainly serviced from the Port of Walvis Bay. We intend to create adequate capacity in the current Port of Lüderitz Robert Harbour to ensure that Lüderitz and the surrounding region at large can play the main role in supporting the offshore oil and gas fields in the Orange basin. Without such much needed additional port capacity Lüderitz and its residents will not benefit from the oil fields in the Orange basin and other ports such as Walvis Bay will serve this role. This will deprive the Luderitz area (a traditional Nama area) of much needed development opportunities.
4. The planned expansion in Robert harbour is not linked to green hydrogen at all. Green hydrogen in the form of ammonia will not be exported from Robert Harbour due to the depth constraints.





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- 5. The planned port expansion project would see the first half of this new capacity commissioned by 2027, and in time to serve the oil and gas industry's capacity needs for construction of the oil fields.
6. The planned expansion and schedules are on the presumption that Namport secures all requisite legislative approvals, suffice to say should they not be secured, then we will not go ahead with this development.



Figure 1: Port of Lüderitz Robert Harbour and Shark Island (Google Earth), Existing Namport land reclamation done in 1999 shown in blue, Namport planned 2025 expansion shown in green, Shark Island shown in red.



Port of Lüderitz Angra point

- 1. Our planned new section of the Port of Lüderitz at Angra Point, located in the adjacent bay called "Lüderitz Bay" and located 2km West of Robert Harbour, is a long-term program and contains many future projects/terminals, one of which is the future planned Hyphen green ammonia export terminal. This planned new terminal to export Hyphen's green ammonia will be the first terminal in this new section of the port at Angra Point, but its implementation timelines are completely dependent on Hyphen's project feasibility. Hyphen is expected to complete their feasibility study in a few years' time after which the implementation time frame for the new ammonia export terminal at Angra point will be better understood.

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2. The other planned terminals at Angra Point are part of a 50-year master plan and will only be developed as demand dictates, and such terminals are designed to cater for future additional ammonia exporters as well as many other potential cargo flows that could in future be handled at the Port of Lüderitz.
3. The benefit of developing port terminals at Angra Point in Lüderitz is that it is not constrained by shallow depth and limited backup land such as the case with the Port of Lüderitz Robert Harbour extension, this particular phase would utilize the remaining footprint for the current port without encroaching on Shark Island hence the Angra Point extension would be a green field development and completely removed from the Heritage Site at Shark Island.
4. Finally, the social and environmental impact assessment study for the new port at Angra point has not yet started and actually forms part of the feasibility study which Hyphen will carry out for the first terminal.
5. Just as with Robert Harbour expansion, it goes without saying that if all required legislative approvals are not obtained then we will not go ahead with this development.

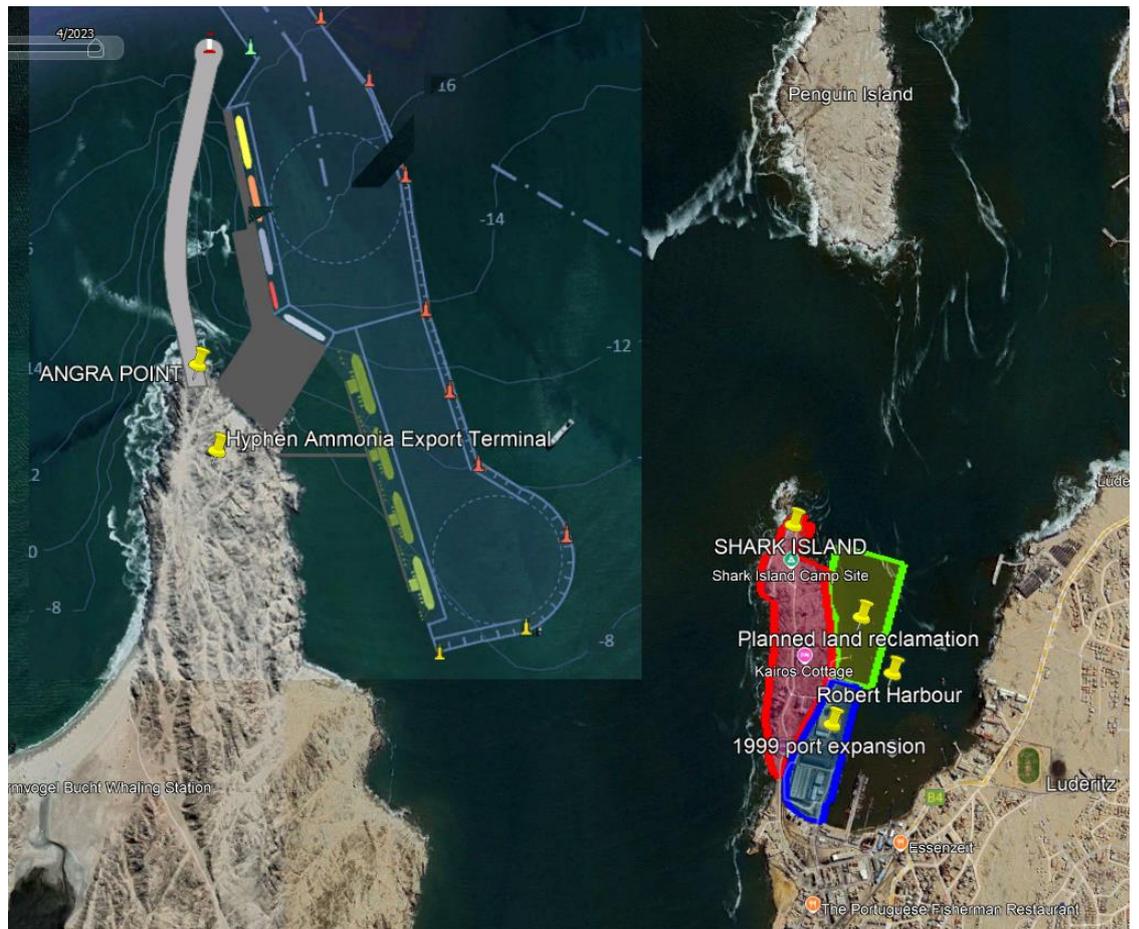


Figure 2: Planned future Port of Lüderitz Angra Point (Google Earth), showing the proposed Hyphen Ammonia Export Terminal, as well as all other planned terminals to be developed over the next 50 years.





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Factual Inaccuracies in your letter:

The following factual inaccuracies in your letter are hereby pointed out and corrected:

Throughout the letter Namport's expansion plans for Robert Harbour are mixed up interchangeably with those of Angra Point, which, as described above, are two separate projects with different implementation plans. The parameters of the two projects seem to be used interchangeably which is incorrect.

In addition, on numerous instances in the letter, Hyphen is incorrectly associated with the Robert Harbour expansion project which it is not. Robert Harbour expansion should not be linked to the future green hydrogen/ammonia export terminal of Hyphen or of any other green ammonia exporter planned at Angra Point. The Robert Harbour expansion project is a Namport project which is designed to alleviate the congestion in the existing port and provide much needed capacity to service the offshore oil and gas fields.

It is alleged that there was an "absence" of substantive responses from the Namibian Ports Authority on letters sent to it dated 13 February 2024 and 21 June 2024 respectively. This is incorrect and unfortunate given that written responses to these two communications were indeed given, and the parties have in fact been engaging on the basis of the responses that were provided. This clear misstatement of fact is disconcerting and should be considered alongside the supposed impact of the port expansion on the Heritage Site which continues to be portrayed despite the direct clarifications provided by Namport to the communities on this strategic project and assurances that it would not have any impact on Shark Island.

Suffice to say, our responses referred to above have been consistent with the response now given in this letter and it would appear that the facts we gave thus far have been conveniently ignored, for a predetermined end we are not privy to but certainly to the potential detriment of the proposed expansion and the indisputable economic benefits it stands to provide to the inhabitants of Luderitz and the region.

Finally, we reiterate that it is the policy of Namport to involve and consult all interested and affected stakeholders in all our infrastructure projects, especially where such projects may have negative impacts on such stakeholders. It is for this reason that the Robert Harbour Expansion project has been delayed after heeding to the local communities' call to conduct additional specialist impact assessment studies. To date Namport has conducted a public engagement session in Lüderitz as well as attended a workshop with the affected communities, and we will again arrange such sessions in 2025 once our specialist studies are completed.

We rest assure you of best intentions at all times and highest level of esteem and remain available to provide any further clarity which you may require.





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Yours Sincerely

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Chief Executive Officer

