

CIVIL SOCIETY STATEMENT ON THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE EXTENSION OF MANGOCHI POTABLE WATER SUPPLY PROJECT

1. Background

Southern Region Water Board intends to extend Mangochi water supply system to lakeshore areas of Mangochi along the Lakeshore from Mpondasi to Mtakatata Turn-Off. The system seeks to cover the trading centres of Namiasi, Maldeco, Makawa, Mtakatata Turn-Off and the holiday resorts along the lake. Based on the Environmental Management Act 2017 and the Malawi Environmental Impact Assessment Guidelines of 1997, the proposed project requires an environmental and social impact assessment (ESIA). Such an assessment has since been carried out and submitted to the Malawi Environmental Protection Authority (MEPA). We, the undersigned organisations, have made observations on the proposed project's ESIA which we would like MEPA to consider when reviewing the ESIA.

2. Project location and infrastructure

The proposed project is set to construct a surface water treatment plant 1km North-West of Nkhudzi Bay overlooking the Nkhudzi Hill. The project also proposes to construct a service reservoir of reinforced concrete with a capacity of 4,000 m³ to be built at Nkhudzi Hill. The tank at Nkhudzi Hill will be positioned to receive pumped water from the proposed Nkhudzi Bay treatment plant and to allow water supply by gravity to areas towards Mtakatata turn-off and also all the way to areas around the Bishop's House near Mangochi Town. The proposed project will also involve construction of intake structures comprising of three submersible pumps, access roads, auxiliary buildings that include staff houses and office and laying of transmission pipes. The major works will be concentrated on Nkhudzi hill and the surrounding area.

The said project location is within Lake Malawi National Park (LMNP), a World Heritage Site. This means that LMNP has what is known as Outstanding Universal Value (OUV). The Operational Guidelines of the World Heritage Convention define OUV as "*natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity.*"

LMNP was established in 1980 and designated as a World Heritage site in 1984 for its natural beauty and outstanding biodiversity values due to its value as a remarkable example of biological evolution and exceptional diversity of its freshwater fishes.

3. Compliance with World Heritage Impact Assessment Principles

The ESIA for the Extension of Mangochi Potable Water Supply Project recognizes and outlines the 8 World Heritage Impact Assessment Principles (Section 4.9 of the report) as one of the policy and legal framework within which the ESIA was carried out.

- Beyond listing the principles, however, nothing else is mentioned in the report regarding the principles. This is a gross anomaly.

We therefore examine compliance of the ESIA with the principles as follows:

Principle 1: All proposals that may adversely affect a natural World Heritage Site must undergo a rigorous Environmental Assessment early on in the decision-making process, whether they are located within or outside its boundaries.

This requirement is based on the understanding that assessments that take place late in the decision-making process or after the decision has been made cannot adequately inform decision-makers. The question before MEPA in this regard is whether the ESIA is taking place before any decisions have been made. The World Heritage Advice Note for Environmental Assessments states that:

*“Environmental Assessments are intended to identify, evaluate, avoid and mitigate the potential environmental and social impacts of development proposals **before** a decision on their funding or implementation is taken. Environmental Assessments are also intended to assess alternatives to development proposals, including the ‘no project’ option, in order to recommend the least environmentally damaging, and most sustainable, option to decision-makers.”*

Similarly, the Operational Guidelines for the Implementation of the World Heritage Convention require that Governments should inform the World Heritage Committee of their intention to undertake or to authorize projects in a World Heritage Site before decisions that would be difficult to reverse are made, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.

- According to the ESIA for the Extension of Mangochi Potable Water Supply Project, the Southern Region Water Board through the Malawi Government has already acquired funds from Kuwait Fund for Arab and Economic Development to extend Mangochi water supply system to lakeshore areas. This was confirmed during public hearings for the ESIA. Based on the World Heritage Principles and the Environment Management Act, the decision on the project’s feasibility (in its current design) will have to be based on the review of the ESIA and not on the existence of acquired funds.

Principle 3: The likely environmental and social impacts of the development proposal on the site’s Outstanding Universal Value must be assessed, including direct, indirect and cumulative effects.

The implication of this principle is that an environmental assessment for a proposal affecting, or with the potential to affect, a natural World Heritage Site must consider the OUV of that site in totality. The Outstanding Universal Value of LMNP is based on the exceptional natural beauty of the site covering both terrestrial and aquatic ecosystems and an outstanding diversity of its fresh water fishes. With regard to the potential impact of the proposed project on the OUV of LMNP, a separate report is annexed to the ESIA for the Extension of Mangochi Potable Water Supply Project.

- The report however does not reflect full consideration of the LMNP’s OUV. Instead, it focuses on cultural and archaeological significance of the site. The same applies to the proposed mitigation measures for the OUV.

Mention is made about freshwater fishes in which the assessment team records only 7 species of fishes where the new intake is proposed to be constructed.

This is contrary to what is known about the rich fish biodiversity in the area which has over 700 species half occurring within the site, over 350 of which are endemic to the site. The team notes that more species could be available. However, there is no reference to existing information in this regard. In addition, the project proposes to install submersible pumps 300m into the lake. The potential impact of such a design on the fish breeding sites is not assessed.

Within the context of the proposed project's potential impact on cultural heritage of the site, the report notes that *'it is impossible at this stage to provide a quantitative assessment of the extent of sites that might be damaged during the project implementation, as no subsurface investigations have been conducted.'*

- This does not reflect full consideration of the OUV in terms of site's values, integrity and protection and management, as well as its connection to the wider landscape based on adequate information, as required by Principle 3 of the World Heritage Impact Assessment Principles.
- The narrow scope of the assessment in relation to Lake Malawi's National Park's Outstanding Universal Value suggests limited expertise in the assessment team in relation to World Heritage, protected area and biodiversity knowledge. This is, in itself, contrary to Principle 2 of the World Heritage Sites Impact Assessment Principles which require that experts with such knowledge should be involved in assessments of projects with likely impacts on World Heritage Sites.

Principle 4: Reasonable alternatives to the proposal must be identified and assessed with the aim of recommending the most sustainable option to decision-makers.

This principle requires that different options should be clearly communicated to decision-makers, and those that are least damaging in relation to the site's Outstanding Universal Value should be highlighted, including in some cases the 'no project' option. This principle is consistent with Guidelines for Environmental Impact Assessment in Malawi which require that alternate sites, processes, designs and operating conditions should be considered and assessed for their environmental and socio-economic implications as part of the ESIA process.

- On the contrary, a major shortfall of the ESIA for the Extension of the Mangochi Potable Water Supply Project is the absence of a clear analysis of alternatives.

In the ESIA report, there are two factors that appear to have been considered for the alternatives namely,

- 1) willingness of owners of properties that are adjoining the possible alternative intakes; and
 - 2) proximity to ESCOM power lines.
- There is no analysis of the costs and benefit of the proposed alternatives in relation to the site's Outstanding Universal Value as required by this principle. There is no mention of other possible sites where a treatment plant and a service reservoir could be installed.

A detailed and early consideration of alternatives helps to ensure that resources are not wasted in developing proposals that are incompatible with World Heritage status. This is clearly not the case for the Extension of the Mangochi Potable Water Supply Project ESIA.

Principle 5: Mitigation measures should be identified in line with the mitigation hierarchy, which requires first avoiding potential negative impacts and secondly reducing unavoidable residual impacts through mitigation measures.

- In the ESIA for the Extension of the Mangochi Potable Water Supply Project, impacts are not classified in terms of which ones need to be avoided at all costs and which ones should be reduced.

The report simply says:

‘According to the nature of the project, negative impacts on the Outstanding Universal Value (OUV), integrity, protection and management of Lake Malawi National Park (LMNP) as a World Heritage Site is minimal and will mainly occur during construction, operation and decommission phases.’

- It is not clear on what basis the Consultant is arriving at the conclusion that the negative impacts on the OUV of LMNP as a World Heritage Site is minimal.
- In the absence of clear analysis, this ESIA cannot be used as a basis for decision making, not least because it does not meet applicable principles for a World Heritage Site and the Guidelines for Environmental Impact Assessment in Malawi.

4. Conclusion and Recommendation

Based on these observations, it is our submission that the proposed project for the Extension of Mangochi Potable Water Supply Project in its current design be rejected for purposes of maintaining the integrity of the World Heritage status of Lake Malawi National Park.

We recommend that an independent ESIA be conducted taking into account the need for expertise in World Heritage, protected area and biodiversity.

Signed on Behalf of Concerned Civil Society Organisations



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