LEGAL AND POLICY FRAMEWORK

3.1 INTRODUCTION

This Chapter summarises the Namibian administrative framework and describes the relevant Namibian legislation, international treaties and industry standards and guidelines that the Project will follow. Specifically, this Chapter summarises:

- Key authorities involved in the control and management of exploration activities;
- National legislation governing oil and gas activities in Namibia;
- Legal framework governing the environment in Namibia;
- Other Namibian environment and social laws deemed applicable to the Project;
- International conventions and standards to which Namibia is a signatory and with which the Project must comply; and
- Consideration of other external and internal standards and guidelines.

3.2 NAMIBIAN INSTITUTIONAL FRAMEWORK

The Ministry of Mines and Energy (MME) is the competent authority with regards to activities associated with offshore oil and gas exploration. Other government stakeholders include the Ministry of Environment and Tourism (MET), the Ministry of Fisheries and Marine Resources (MFMR) and the Ministry of Work and Transport (MWT).

3.2.1 Ministry of Mines and Energy

The MME is responsible for promoting and regulating the development and utilisation of Namibia’s natural resources through the creation of suitable legislative and institutional frameworks. The Ministry comprises four directorates:

- Directorate of Mining;
- Directorate of Geological Surveys;
- Directorate of Energy; and
- Directorate of Administration and Finance.

The Directorate of Energy is tasked with regulating the petroleum industry. It is also responsible for issuing licences for petroleum exploration and
production and has the authority to approve or reject licence applications based on the outcome of environmental and social impact assessment reports.

3.2.2 Ministry of Environment and Tourism

The MET is the custodian of Namibia’s natural environment. It develops, administers and enforces environmental legislation and policy. The MET is divided into three departments:

- Department of Environmental Affairs (DEA);
- Department of Natural Resources, Parks and Regional Services; and
- Department of Tourism, Planning and Administration.

The DEA is responsible for the administration of the environmental impact assessment process undertaken in terms of the Environmental Management Act (Act No. 7 of 2007) and its Regulations. The DEA has other environmental responsibilities such as compliance and enforcement duties, pollution control, waste management, and overall coordination of environmental issues with the Namibian Government.

The DEA will be requested to submit comments on this EIA Report Update to the MME to inform the decision on the application.

3.2.3 Ministry of Fisheries and Marine Resources

The MFMR is responsible for the management and development of fisheries and aquaculture in Namibia. The Ministry comprises of four departments:

- Directorate of Resource Management;
- Directorate of Operations and Surveillance;
- Directorate of Policy Planning and Economics; and
- Directorate of Aquaculture.

The Directorate of Resource Management is responsible for providing advice on the state of commercially-important marine fish stocks and recommending catch quotas. It is also responsible for managing and communicating species fish size limits, dates of closed fishing seasons, declaring areas closed to fishing and for limiting the types of fishing gear.

The Directorate of Operations and Surveillance regulates fishing activity within the Namibian Exclusive Economic Zone (EEZ) and is responsible for monitoring, controlling and surveillance of fishing-related activities both at sea and onshore. The Directorate is also responsible for enforcing legislation governing the fisheries sector.

3.2.4 Ministry of Works and Transport

The MWT consist of the following Departments:

- Department of Administration;
- Department of Government Air Transport Services;
- Department of Transport; and
- Department of Works.

The Directorate of Maritime Affairs falls under the Department of Transport and is responsible for ensuring the safety of life and property at sea; the prevention and combat of pollution of the marine environment by ships; and promotion of Namibia’s maritime interests. The three respective divisions of the Directorate of Maritime affairs include:

- Division of Surveys and Inspections, which is responsible for ensuring the safety of vessels, execution of port state and flag state control; registration and certification of Namibian Seafarers; and registration of Namibian vessels;
- Division of Marine Pollution Control, Search and Rescue, which is responsible for preventing and combating pollution of the sea from Ships and in undertaking search and rescue activities/operations at sea; and
- Division of Legal and International Maritime Affairs, which is responsible for the drafting, review and implementation of national maritime legislation. It also plays an advisory role guiding the Government on necessary maritime policies.

3.2.5 Namibian Ports Authority

The Namibian Ports Authority (Namport) is a public entity that reports to the Minister of Works and Transport. The National Ports Authority Act (No. Act 2 of 1994) gives Namport the responsibility of protecting the environment within harbour areas. Namport manages both the Port of Walvis Bay and the Port of Lüderitz.

3.3 Namibian Legal Framework

3.3.1 Petroleum Act

The Petroleum (Exploration and Production) Act (Act 2 of 1991) (the Petroleum Act)\(^{(1)}\) was instituted to provide a legal framework for the reconnaissance, exploration, production and disposal activities associated

\(^{(1)}\) As amended by the Petroleum Laws Amendment Act, 1998.
with the petroleum industry. The Petroleum Act provides for three types of licences:

- Reconnaissance licence;
- Exploration licence; and
- Production licence.

The Petroleum Act requires that MME to issue an exploration license to a potential licensee prior to commencing exploration operations. The Act further requires that, ‘an estimate of the effect which the proposed exploration operations may have on the environment’ is undertaken as part of the exploration licence application process\(^{(1)}\). Additionally, the Act allows the MME to request additional environmental information before the commencement of any exploration activity (e.g. seismic survey)\(^{(2)}\). In certain instances this information could include a requirement for the applicant to undertake a full EIA process.

Petroleum companies are also obliged, in terms of the Section 13 of the Petroleum Act, to enter into a Model Petroleum Agreement (MPA) with the Ministry of Mines and Energy prior to obtaining an exploration licence. The MPA is a concession-type agreement aligned with international oil and gas industry practice. It provides details of the exploration work programmes and related fees and taxes\(^{(3)}\). The agreement also stipulates specific conditions which must be complied with when conducting exploration activities.

Section 14 of the Petroleum Act sets out mandatory statutory conditions which relate to, amongst other, the licensee giving preference to qualified Namibian citizens in recruitment of employees and procurement of Namibian products, equipment and services, where possible.

The MPA and exploration license also provides the procedure to be followed should hydrocarbons (i.e. oil or gas) be discovered. In such cases the licensee must inform the Commissioner of Petroleum Affairs and take steps to appraise the discovery in accordance with an appraisal programme\(^{(4)}\).

### 3.3.2 Petroleum Act Regulations

The Petroleum (Exploration and Production) Act (1991) Regulations (Petroleum Act Regulations) provides rules relating to the health, safety and welfare of persons employed, and protection of other persons, property, the environment and natural resources in, at or in the vicinity of exploration and

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\(^{(1)}\) Section 32(1)(c)(iii) of the Petroleum (Exploration and Production) Act (Act 2 of 1991)
\(^{(2)}\) Section 12(2) of the Petroleum (Exploration and Production) Act (Act 2 of 1991)
\(^{(4)}\) It is expected that implementation of the appraisal programme should be completed within two years although upon good cause shown to the Commissioner he may extend the period.
production areas\(^{(1)}\). These regulations were published by the Minister of Mines and Energy in consultation with the Minister of Fisheries and Marine Resources and the Minister of Environment and Tourism.

The Petroleum Act Regulations regulate, inter alia, electricity, fires and explosions, transport (including transport of hazardous substances), subsea operations, emergency preparedness (including pollution by spilling of petroleum) and safety exclusion zone.

3.3.3 **Environmental Management Act**

The Environmental Management Act (EMA) defines an environmental impact assessment as the process of identifying, predicting and evaluating the significant effects of activities on the environment, as well as the risks and consequences of activities and their alternatives and options for mitigation, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management.

A list of activities requiring an EIA and associated Environmental Clearance Certificate (ECC)\(^{(2)}\) was published in terms of the EMA in *Government Gazette No. 29 of the 6 February 2012*. Petroleum exploration is not included on the list and as such an ECC is not required.

3.3.4 **Other Sector Legislation**

Other legislation relevant to the Project are summarised in *Table 3.1*.

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\(^{(1)}\) Government Notice 190 of Government Gazette 2188 of 23 September 1999.

\(^{(2)}\) Section 27(1) of the Environmental Management Act (Act 7 of 2007)
### Table 3.1 Applicable Sectoral Laws and Regulations

<table>
<thead>
<tr>
<th>Sector</th>
<th>Law/Regulation</th>
<th>Key Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport</td>
<td>• Marine Traffic Act (Act 2 of 1981)&lt;br&gt;• The Merchant Shipping Act (Act 57 of 1951)&lt;br&gt;• Namibian Ports Authority Act (Act 2 of 1994)&lt;br&gt;• Air Services Act (Act 51 of 1949)&lt;br&gt;• Aviation Act (74 of 1962)&lt;br&gt;• Namibian Civil Aviation Regulations 2001&lt;br&gt;• Road Traffic and Transport Act (Act 22 of 1999)&lt;br&gt;• Marine Traffic Act (Act 2 of 1981)&lt;br&gt;• The Merchant Shipping Act (Act 57 of 1951)&lt;br&gt;• Namibian Ports Authority Act (Act 2 of 1994)</td>
<td>• Regulates maritime traffic (e.g. entry into and departure from internal waters).&lt;br&gt;• Controls the licensing of ships as well safety of ships at sea.&lt;br&gt;• Provides Namport with authority over Luderitz and Walvis Bay ports.</td>
</tr>
<tr>
<td>Labour</td>
<td>• Labour Act (Act 11 of 2007)&lt;br&gt;• Labour Act (Act 11 of 2007): Regulations relating to the health and safety of employees at work (GN 156 of 1997)&lt;br&gt;• The New Equitable Economic Empowerment Framework Policy (2011)&lt;br&gt;• Labour Act (Act 11 of 2007): Silica Regulations&lt;br&gt;• Employee’s Compensation Act (Act 30 of 1941)</td>
<td>• Sets out the fundamental rights of workers and basic conditions for work.&lt;br&gt;• Establishes health and safety regulations for the work place.</td>
</tr>
<tr>
<td>Pollution</td>
<td>• Atmospheric Pollution Prevention Ordinance (Ordinance 11 of 1976)&lt;br&gt;• Prevention and Combating of Pollution of Sea by Oil Act (Act 6 of 1981)&lt;br&gt;• Prevention and Combating of Pollution of the Sea by Oil Act (Act 6 of 1981) Regulations&lt;br&gt;• Marine Notice (02 of 2012): Transfer of Oil Outside Harbours&lt;br&gt;• International Convention for the Prevention of Pollution from Ships Act (Act 2 of 1986)</td>
<td>• Deals with air pollution as it affects occupational health and safety.&lt;br&gt;• Establishes triggers for registration certificate.&lt;br&gt;• Determines liability in respect of loss or damage caused by the discharge of oil from ships, tankers or offshore installations.&lt;br&gt;• Sets out the requirements to transfer oil within Namibian waters.&lt;br&gt;• Converts MARPOL into Law in Namibia (refer to Section 3.4 below).</td>
</tr>
<tr>
<td>Conservation</td>
<td>• The Environmental Management Act (Act 7 of 2007)&lt;br&gt;• Marine Resources Act (Act 27 of 2000)</td>
<td>• Defines environmental management principles.&lt;br&gt;• Governs the exploitation and conservation of marine resources and specifies governance issues relating to the issuing of licenses etc.</td>
</tr>
<tr>
<td>Sector</td>
<td>Law/Regulation</td>
<td>Key Provisions</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Hazardous Substances</td>
<td>• Hazardous Substances Ordinance (Ordinance 14 of 1974)</td>
<td>• Provides for the control of toxic substances. Covers manufacture, sale, use, disposal and dumping as well as import and export of hazardous substances.</td>
</tr>
<tr>
<td></td>
<td>• The Hazardous Substances Ordinance 14 of 1974: Group I Hazardous Substances</td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>• Health Act (Act 21 of 1988)</td>
<td>• Only relevant in as much as workers must be protected from harm.</td>
</tr>
<tr>
<td></td>
<td>• Tobacco Products Control Act (Act 1 of 2010)</td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>• Namibia Vision 2030</td>
<td>• Namibia has no dedicated national land use planning law and accordingly this area of the law remains governed by a number of non-legally binding land development polices and old-order legislation.</td>
</tr>
<tr>
<td></td>
<td>• Poverty Reduction Strategy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• National Development Plan</td>
<td></td>
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<tr>
<td></td>
<td>• Kunene Regional Development Plan</td>
<td></td>
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<tr>
<td></td>
<td>• North-West Tourism Options Plan (2002)</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>• The Territorial Sea and Exclusive Economic Zone of Namibia Act (Act 3 of 1990)</td>
<td>• Defines Namibia’s territorial sea and EEZ. Furthermore, Namibian laws relating to exploitation, exploration, conservation or management of the natural resources (living or non-living) of the sea, shall apply to defined areas.</td>
</tr>
<tr>
<td></td>
<td>• The Territorial Sea and Exclusive Economic Zone of Namibia Amendment Act (Act 30 of 1991)</td>
<td>• The amendment Act changes the extent of the territorial zone to 24 miles.</td>
</tr>
</tbody>
</table>

### 3.4 INTERNATIONAL LAWS AND CONVENTIONS

Relevant international conventions and treaties which have been ratified by the Government of the Republic of Namibia and which have become law through promulgation of national legislation are listed in Table 3.2.

National legislation will take precedent over international conventions or treaties once it becomes enacted. Furthermore, international agreements become part of Namibian domestic law after they have been ratified, except those which are in conflict with the Constitution.
Table 3.2  Ratified International Conventions and Treaties with Enacting Legislation

<table>
<thead>
<tr>
<th>Conventions and Treaties</th>
<th>National Enacting Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Convention on the International Regulations for Preventing Collisions at Sea (COLREGS), 1972</td>
<td>Merchant Shipping Act 57 of 1951: Schedule 3</td>
</tr>
<tr>
<td>The International Convention for the Safety of Life at Sea, 1974 (SOLAS) with its protocol of 1978</td>
<td>Merchant Shipping Act 57 of 1951: Schedule 2</td>
</tr>
<tr>
<td>The International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969</td>
<td>International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act 64 of 1987</td>
</tr>
<tr>
<td>International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention);</td>
<td>Petroleum (Exploration and Production) Act, 1991: Regulations relating to the health, safety and welfare or persons employed, and the protection of other persons, property, the environment and natural resources, in, at or in the vicinity of exploration and production areas</td>
</tr>
</tbody>
</table>

There are a number of international agreements, which have been ratified by Namibia, with no enacting national legislation. These international agreements that Namibia have signed are detailed in Table 3.3.

Table 3.3  Ratified International Conventions and Treaties without Enacting Legislation

- International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990
- International Convention on Tonnage Measurement of Ships (TONNAGE), 1969
- International Convention on Maritime Search and Rescue (SAR), 1979
- International Convention on Standards of Training, Certification and Watch keeping for Fishing Vessel Personnel (STCW-F), 1995
- The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
Convention Name

- International Convention for the Unification of Certain Rules relating to the arrest of Sea-Going Ships, 1952 (came into force 13 June 2001)
- Amendments to Article 6 and 7 (RAMSAR Convention), 1987 (came into force 23 December 1995)
- Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982 (came into force 23 December 1995)
- Convention on Wetlands of International Importance, especially as Waterfowl Habitat, (Ramsar Convention), 1971 (came into force 23 December 1995)
- Convention on Biological Diversity (CBD), 1992 (16 May 1997)
- Convention concerning the Protection of the World Cultural and Natural Heritage. Paris, 16 November 1972 (came into force 6 April 2000)
- Kyoto Protocol to the UN Framework Convention on Climate Change, 1997 (came into force 4 September 2003)
- United Nations Framework Convention on Climate Change (UNFCCC), 1992 (came into force 16 May 1995)
- Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean, 2001 (came into force 15 November 2001)
- SADC Protocol on Health, 1999 (came into force 10 July 2000)
- Convention concerning Forced or Compulsory Labour (Entry into force: 15 November 2000)
- Convention concerning Freedom of Association and Protection of the Right to Organise (Entry into force: 03 Jan 1995
- Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (Entry into force: 03 Jan 1995
- Equal Remuneration Convention (Entry into force: 06 April 2010)
- Convention concerning the Abolition of Forced Labour (Entry into force: 15 November 2000
- Convention concerning Discrimination in Respect of Employment and Occupation (Entry into force: 13 Nov 2001
- Convention concerning Minimum Age for Admission to Employment (Entry into force: 15 Nov 2000
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 15 Nov 2000
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on the Elimination of all forms of Racial Discrimination;
- Convention of Elimination against all forms of Discrimination against Women;
3.5 **SHELL HEALTH, SAFETY, SECURITY, ENVIRONMENT AND SOCIAL PERFORMANCE POLICY**

Shell follows a systematic approach to health, safety, security, environment and social performance (HSSE and SP) management in order to achieve high standards of operation and continuous performance improvement. Shell manages these matters as critical business activities by setting standards and targets for operation and improvement, and by measuring, appraising and reporting on its performance. Shell continuously looks for ways to reduce potential environmental effects from their operations.

Shell’s general operating principles are underpinned by a deliberate focus on safety and environmental protection. Shell’s safety record is built on strict company standards, multiple safety barriers to prevent incidents from occurring and to enable a quick and effective response should it be necessary, extensive safety competence assurance, and a culture that requires workers, contractors and visitors to stop any unsafe activities. Shell’s company wide Goal Zero programme and established 12 Life Saving Rules capture its aim to operate with no harm to people and no significant incidents in its daily operations.

The Project will be conducted within the framework of Shell’s internal standards and Business Principles, as well as the environmental, health and safety policies and procedures of its contractors. Environmental, Health and Safety management of the Project will follow procedures and requirements described in Shell’s Health, Safety, Security, Environment, and Social Performance (HSSE and SP) Control Framework and Corporate Standards (*Table 3.4*). These policies and management procedures will be bridged to the contractors’ own management system.
### Table 3.4  
**Shell’s Commitment and Policy on Health, Safety, Security, Environment, and Social Performance**

<table>
<thead>
<tr>
<th>Commitment</th>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shell is committed to:</td>
<td>Every Shell Company:</td>
</tr>
<tr>
<td>- Pursue the goal of no harm to people;</td>
<td>- Has a systematic approach to HSSE management designed to ensure</td>
</tr>
<tr>
<td>- Protect the environment;</td>
<td>compliance with the law and to achieve</td>
</tr>
<tr>
<td>- Use material and energy efficiently to provide our products and services;</td>
<td>continuous performance improvement;</td>
</tr>
<tr>
<td>- Develop energy resources, products and services consistent with these</td>
<td>- Sets targets for improvement and measures, appraises and reports</td>
</tr>
<tr>
<td>aims;</td>
<td>performance;</td>
</tr>
<tr>
<td>- Publicly report on its performance;</td>
<td>- Requires contractors to manage HSE in line with this policy;</td>
</tr>
<tr>
<td>- Play a leading role in promoting best practice in our industries;</td>
<td>- Requires joint ventures under its operational control to apply this</td>
</tr>
<tr>
<td>- Manage Health, Safety and Environmental (HSE) matters as any other</td>
<td>policy and uses its influence to promote it in its other ventures;</td>
</tr>
<tr>
<td>business activity;</td>
<td>and</td>
</tr>
<tr>
<td>- Promote a culture in which all Shell employees share this commitment.</td>
<td>includes HSE performance in the appraisal of all staff and rewards</td>
</tr>
<tr>
<td></td>
<td>accordingly.</td>
</tr>
</tbody>
</table>

All operations relating to the Project will be required as a minimum to comply with Shell standards and with external regulatory standards. Where requirements differ, the more stringent requirement will apply. Shell will require contractors to demonstrate that they have in place a Health, Safety, Security and Environment and Social Performance (HSSE and SP) Management System compatible with these standards, and that they are committed to implementing it. In the event that sub-contractors to the main contractor are used, the main contractor will be required to ensure that these sub-contractors also conform to the same standards and requirements.

Contractors are assessed for their ability to meet strict HSSE and SP requirements. These include:

- The contractor must show past and current HSSE and SP records;
- The contractor company must have a documented process, including procedures and work instructions, or an HSSE and SP, which shows that contractor can manage the HSSE and SP Risk;
- The contractor company must have a competence assurance process for its personnel and assure they are competent;
- The contractor company must show that its training programme supports the management of the HSSE and SP risks;
• The contractor company must have a fitness to work process for its personnel and assure they are fit to work; and

• Tools or equipment that the contractor company plans to use must be suitable for the job and safe to use.

In this way Shell aims to have an HSSE and SP performance they can be proud of, to earn the confidence of customers, shareholders and society at large, to be a good neighbour and to contribute to sustainable development.

3.6 IFC PERFORMANCE STANDARDS

3.6.1 IFC Performance Indicators for Sustainability

The International Finance Corporation (IFC) have developed a set of performance standards that are directed towards providing guidance on how to identify risks and impacts and measures to avoid, mitigate and manage risks and impacts. The performance indicators also promote stakeholder engagement at various stages of the project lifecycle.

Performance Standards 1, 2, 3, 4 and 6 are considered to be applicable to the Shell Namibia Seismic project. The objectives of each of these standards are summarised in Table 3.5 below.

Table 3.5 Performance Indicators for Environmental and Social Sustainability

<table>
<thead>
<tr>
<th>Performance Standards</th>
<th>Objectives</th>
</tr>
</thead>
</table>
| Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts | • To identify and assess environmental and social risks and impacts of the project.  
• To adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimise, and where residual impacts remain, compensate/offset for risks and impacts to workers, affected communities, and the environment.  
• To promote improved environmental and social performance of clients through the effective use of management systems.  
• To ensure that grievances from Affected Communities and external communications from other stakeholders are responded to and managed appropriately.  
• To promote and provide means for adequate engagement with Affected Communities throughout the project cycle on issues that could potentially affect them and to ensure that relevant environmental and social information is disclosed and disseminated. |
### Performance Standards

<table>
<thead>
<tr>
<th>Performance Standard</th>
<th>Objectives</th>
</tr>
</thead>
</table>
| **Performance Standard 2:** Labour and Working Conditions | • To promote the fair treatment, non-discrimination and equal opportunity of workers.  
• To establish, maintain and improve the worker management relationship. To promote compliance with national labour and employment laws.  
• To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the clients supply chain.  
• To promote safe and healthy working conditions, and health of workers.  
• To avoid the use of forced labour. |
| **Performance Standard 3:** Resource Efficiency and Pollution Prevention | • To avoid or minimise adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities.  
• To promote more sustainable use of resources, including energy and water.  
• To reduce project-related greenhouse gas emissions. |
| **Performance Standard 4:** Community Health, Safety and Security | • To anticipate and avoid adverse impacts on health and safety of the Affected Community during the project life from both routine and non-routine circumstances.  
• To ensure that the safeguarding of personnel and property is carried out in accordance with relevant human rights principles and in a manner that avoids or minimises risks to the Affected Communities. |
| **Performance Standard 6:** Biodiversity Conservation and Sustainable Management of Living Natural Resources | • To protect and conserve biodiversity.  
• To maintain the benefits from ecosystem services.  
• Promote the sustainable management of living natural resources through the adoption of practices that integrate conservation needs and development priorities.  
• To ensure that the development activity results in no net loss in natural biodiversity, and a net gain in critical biodiversity. |

### 3.6.2 World Bank Group Environmental, Health and Safety Guidelines

The World Bank Group’s Environmental, Health, and Safety (EHS) Guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice (IFC, 2007). These General EHS Guidelines are designed to be used together with the relevant Industry Sector EHS Guidelines which provide guidance to users on EHS issues in specific industry sectors. For complex projects, use of multiple industry-sector guidelines may be necessary. The General EHS guidelines are organised into 4 broad categories, including Environmental, Occupational Health and Safety, Community Health and Safety and Construction and Decommissioning. Within each of these broad categories, a list of more specific guidelines has been developed.

Although the proposed project will not be reliant on donor funding, it is the intention of Shell to ensure that the project is undertaken in a manner consistent with good international industry practice. In light of this, the General EHS Guidelines and the EHS Guideline for Offshore Oil and Gas
Development (2007) has been considered and applicable management measures will be incorporated into the design and implementation of the project.

3.7 GOOD PRACTICE STANDARDS AND GUIDELINES

In addition to the national regulations, company specific standards and guidelines and international conventions set out above, the Project will also take into account the Joint Nature Conservation Committee (JNCC) guidelines for minimising the risk of disturbance and injury to marine mammals from seismic surveys, published August 2010 (JNCC, 2010), the Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations published by the New Zealand Department of Conservation (New Zealand Department of Conservation, 2013) and the applicable International Association of Geophysical Contractors (IAGC) Standards. The seismic survey contractor will be required to be a member of the IACG and will have to comply with applicable IAGC standards.

Table 3.6 lists the documents which define some of the industry standards relevant to the EIA which Shell will adopt.
### Table 3.6 Relevant Industry Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
</table>
| Health and Safety Management | • Managing HSE in a Geophysical Contract, OGP report 432 as amended, revised or supplemented.  
• HSE Management – Guidelines for working together in a contract environment, OGP Report 423 as amended or revised.  
• HSE Competence Assessment and Training Guidelines for the Geophysical Industry. Report OGP 292 as amended or revised.  
• Guidelines for HSE Auditing in the Geophysical Industry. Report OGP 245 as amended or revised. |
• Service Vessel Marine Safety Guidelines. Report OGP 213 Applicable to the extent referenced in Article 5 of this Section VI.  
• A Note regarding safe driving distance from seismic survey operations. Report IMCA DMAC 012 1979.  
• Diving Recommended Practices. Report OGP 411, 2008 |
| Environment                  | • Environmental Management in Oil and Gas Exploration and Production. OGP reference 2.71/254.  
• Guidelines for Waste Management with special focus on areas with limited infrastructure. OGP report No. 413, 2008. |