A Petition on the Baynes Hydropower Project and the protection of the rights of the OvaHimba and OvaTjimba indigenous communities

1. Introduction

We, the undersigned members of the OvaHimba and OvaTjimba Indigenous communities of the Kunene Region, Namibia, and the Namibe and Cunene Provinces, Angola, submit this petition to express our deep concern over the proposed Baynes Hydropower Dam on the Kunene River.

Our communities have lived along the Kunene River for generations. The river and land is our source of life, sustaining our livelihoods, culture, and identity. The proposed dam, located within our ancestral territory, threatens to flood our land, destroy sacred sites and grazing areas, and undermine our cultural survival.

2. Background

The OvaHimba and OvaTjimba peoples have lived in the Kunene region for over five centuries, practicing semi-nomadic pastoralism that harmonises with the environment. Our cultural identity and survival are tied to the land and river.

In the 1990s, our communities successfully opposed the Epupa Dam, which posed threats to our land and way of life, and we successfully protected our ancestral lands from displacement. Today, we face a renewed threat in the form of the Baynes Dam, a 878 MW project being advanced by the Namibia Power Corporation (NamPower) and Angola's Rede Nacional de Transporte de Electricidade (RNT-EP), which would flood vast portions of our lands.

Despite the signing of a Memorandum of Understanding (MoU) between the Governments of Namibia and Angola in 2024, communities likely to be affected by the proposed project have not been adequately informed or meaningfully consulted.

While the project proponents have stated that consultations have been undertaken with directly affected communities in advance of the formal Environmental Impact Assessment (EIA) process, we, the undersigned, are members of communities that will be directly affected by the proposed development and have not been consulted. Furthermore, we do not consider ourselves to be represented by the Kunene North Traditional Leaders Forum and therefore reject any suggestion that engagement through this forum constitutes consultation with our communities.

Although some consultation meetings were reportedly held in 2009 and 2011, these took place before the promulgation of the Environmental Management Act Regulations of 2012, which established strengthened legal requirements for public participation and environmental assessment. Those consultations also cannot reasonably be regarded as sufficient for the current project. More than 15 years have elapsed since then, during which there have been significant changes in the social, environmental, legal, and economic context.

In addition, there are more affordable, less environmentally damaging, and less socially disruptive alternatives to the Baynes Hydropower Project and to large-scale hydropower development in general. These developments warrant a new, transparent, and inclusive consultation process that enables us, the affected communities, to participate meaningfully in decisions that will affect us.

We further note that despite public statements made in 2025 by government officials in support of the project, no transparent, inclusive and good-faith consultations have taken place with those most affected, the OvaHimba and OvaTjimba communities of the Kunene River.

3. Anticipated Impacts of the Baynes Dam

The construction of the Baynes Dam is expected to:

- Flood approximately 57 square kilometres of ancestral OvaHimba and OvaTjimba territory, including homes, ancestral graves, and sacred sites.
- Displace families and destroy grazing lands and water sources, upon which our pastoral livelihoods depend.
- Cause irreversible damage to biodiversity and riverine ecosystems.
- Erase aspects of our cultural and spiritual heritage that are inseparable from the land.

These impacts would constitute a violation of our rights to land, culture, and agency, as recognised under environmental and social safeguards and Namibia's own constitutional framework.

4. Violation of Our Rights and Lack of Consultation

We have not been adequately consulted about the Baynes project, nor have we given our Free, Prior and Informed Consent (FPIC), as required under:

- Articles 18 and 19 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which upholds indigenous peoples' right to participate in decision-making on matters affecting their rights and obtain their free, prior and informed consent before adopting legislative or administrative measures that may affect them.
- Article 21 and 22 of the African Charter on Human and Peoples' Rights that requires States to ensure that development initiatives are undertaken in a manner that respects community rights, protects cultural identity, facilitates meaningful participation, and guarantees equitable access to the benefits of natural resource use.
- Article 95(l) of the Constitution of the Republic of Namibia, commits the State to maintain ecosystems and biodiversity for the benefit of current and future generations.
- Article 18 of the Constitution of the Republic of Namibia guarantees everyone the right to fair administrative action. This right requires administrative bodies to act fairly and just in the procedure leading up to the decision.

Consultations conducted to date have been non-transparent, incomplete, non-inclusive, and not conducted in good faith. Many of us were not informed and there was an assumption that

certain government-identified leaders would represent us, preventing us from speaking for ourselves. Some voices of dissent have been deliberately excluded.

We therefore assert that no legitimate consultation or consent process has taken place.

We further note that the OvaHimba communities have adopted the OvaHimba Biocultural Community Protocol (2024), which articulates our collective identity, our customary laws, and our governance systems related to land, water, livestock, and sacred sites. The Protocol affirms our right to Free, Prior and Informed Consent (FPIC) and outlines how external actors must engage with us in accordance with our traditional decision-making processes.

Any consultation or decision regarding the Baynes Hydropower Dam that does not recognise the processes and principles set out in our Biocultural Protocol cannot be considered legitimate.

We therefore request that the governments of Namibia and Angola, and any development partners, recognise and respect the OvaHimba Biocultural Protocol as the framework for engagement and decision-making regarding the Kunene River and our ancestral territories.

5. Our Demands to the Governments of Namibia and Angola, and the Lower Cunene Hydropower Authority (LCHA)

We respectfully call upon the Governments of Namibia and Angola, and the Lower Cunene Hydropower Authority (LCHA) to:

- Suspend all activities related to the Baynes Hydropower Project until a transparent and inclusive FPIC-compliant process has been conducted,
- Disclose all project documentation, including feasibility studies, Environmental and Social Impact Assessments (ESIAs), and agreements between NamPower and RNT-EP in accessible formats and languages,
- Ensure that a Human Rights Impact Assessment (HRIA) forms part of the ESIA to ensure our voices as affected communities are formally included and risks to our community are identified early,
- Recognise and respect the OvaHimba bio-cultural protocol,
- Recognise and protect our customary land rights, in accordance with the African Charter and Namibia's laws,
- Explore alternative, sustainable energy solutions, such as solar and wind power, that do not displace communities or destroy ecosystems.

6. Our Appeal to the African Commission and the United Nations

We appeal to the African Commission on Human and Peoples' Rights and the relevant UN Special Rapporteurs to:

- Urge the Governments of Namibia and Angola to uphold the principle of FPIC,
- Monitor compliance with regional and international human rights obligations,

- Support dialogue between the affected communities and government authorities to ensure justice, transparency, and respect for indigenous rights.

7. Our appeal to the African Development Bank and other Financiers

- Withhold financial approvals for the Baynes project pending a comprehensive Human Rights Impact Assessment (HRIA) and Environmental, Social, and Health Impact Assessment (ESHIA) conducted by independent experts, in consultation and with the consent with affected communities,
- Disclose all feasibility, environmental, and social impact studies to the affected communities in an accessible language which is OtjiHerero;
- Recognise and uphold the rights of the OvaHimba and OvaTjimba peoples to their ancestral lands, culture, and way of life,
- Ensure compliance with international environmental and social standards, particularly those concerning involuntary resettlement, indigenous peoples, and biodiversity protection,
- Facilitate inclusive dialogue among the governments, NamPower, RNT-EP and the affected communities to establish genuine FPIC-compliant consultation processes,
- Support alternative energy solutions, such as decentralized solar and wind projects, which advance Namibia's energy goals without causing displacement or environmental harm.

8. Conclusion

We recognise the need for sustainable energy development in Namibia, but we firmly believe that such should not come at the expense of our rights, ecosystems, and heritage, and that less destructive alternatives are rigorously assessed before proceeding with a large-scale hydropower project.

We call upon all authorities, regional institutions, and international partners to act urgently to prevent irreversible harm to our communities, culture, and environment.

We reaffirm our commitment to peaceful dialogue and partnership in pursuit of solutions that respect both human rights and environmental sustainability.

Submitted by:

Representatives of the OvaHimba and OvaTjimba communities of the Kunene Region, Namibia, and of the Namibe and the Cunene Provinces, Angola.