

ellste Entwicklungen in der Rechtsprechung noch berücksichtigt hat. Insofern findet diese Arbeit neben der erwähnten Studie *Sancinettis* und *Ferrantes* ihren Platz.

Wenn zukünftig, wie zu hoffen und zu erwarten ist, weitere Urteile im Rahmen der Aufarbeitung des organisierten staatlichen Unrechts aus den „bleiernen Jahren“ zwischen 1976 und 1983 ergehen, kann diese Arbeit Grundlage für ein vertieftes Verständnis der bisherigen Entwicklung sein.

Sönke Sievers, Münster

*Oliver C. Ruppel / Katharina Ruppel-Schlichting* (eds.)

### **Environmental Law and Policy in Namibia**

Co-published by OrumbondePress.na & Welwitschia Verlag Dr. A. Eckl, Essen. 2011, 425 pp. ISBN 978-3-939886-01-3 (Germany). ISBN 978-99916-849-4-9 (Namibia).

This contemporary publication contains a dynamic account of environmental law and policy in Namibia. However, the relevance of the compilation is not limited to a Namibian context. The publication is also applicable to the legal systems of most southern African states as these states tend to share certain developmental concerns and environmental similarities. The publication advances the harmonisation of environmental law and policies in the member states of the Southern African Development Community (SADC) and the African Union (AU) by setting out the main environmental concerns of Namibia within regional and international contexts. In a nutshell, the publication incorporates the following areas of interest:

- National environmental law and policy;
- International environmental law;
- Environmental management;
- Water law;
- Conservation of biodiversity;
- Mining and energy law;
- Customary law, common law and criminal law aspects of environmental law;
- Intellectual property rights and traditional knowledge;
- Climate change;
- Environmental justice and human rights;
- International trade, sustainable development and the environment.

The compilation contains an introduction and fourteen chapters. The publication starts with an introduction by the editors entitled “Namibia and its Legal Setup”. Various facts and figures stating historical and geographical peculiarities, as well as introductions to the legal setup (including the laws and the court system) all contribute to form a solid introduction to the country. This introduction contributes to ensuring the accessibility of the publication to readers who may be less familiar with this particular African country.

The first chapter, entitled “Introducing Environmental Law”, is written by *Katharina Ruppel-Schlichting*. The chapter starts by defining the term ‘environment’. The chapter continues by explaining the foundations-, the functions-, and the historical development of environmental law. Specific environmental concerns in Namibia are also identified and listed as: land degradation, soil erosion, deforestation, water management, climate change, waste and pollution.

Chapter two and three is written by *Oliver C. Ruppel*. Chapter two discusses “International Environmental Law from a Namibian Perspective” and the fundamental and general principles of international environmental law are helpfully weaved into the discussion. Useful summaries and a table in chapter two set out Namibia’s obligations under international treaties and instruments of international environmental law. The third chapter is entitled “Foundations, Sources and Implications of National Environmental Law”. In this chapter the national law of Namibia is discussed briefly – this includes constitutional-, Roman-Dutch-, common- and statutory law. At this point environmental legislation and environmental policies of Namibia are comprehensively discussed with reference to the developmental framework of the country.

Chapter four is written by *Peter Koep* and *Hugo M. van den Berg* and is entitled “Practical Implications of Environmental Management in Namibia: The Case Study of Ohorongo”. This chapter contains a practical reflection on environmental impact assessment and rehabilitation – specifically as it relates to practices of Ohorongo Cement (Pty) Limited.

Chapter five contains five separate components. The first component, entitled “Legal Protection of Biodiversity in Namibia”, is co-authored by *Manfred O. Hinz* and *Oliver C. Ruppel*. This contribution clearly reflects the expertise of both authors. International- and national environmental law pertaining to biodiversity protection in Namibia is comprehensively discussed. The second component of chapter five is entitled “Water and Fisheries Related Statutory Law and Policy in Namibia: An Overview” and it is written by *Shirley Bethune* and *Oliver C. Ruppel*. The authors expose the policy and statutory counterparts that form the framework of water and fisheries management in Namibia. The third component of this chapter is entitled “Reform of Rural Water Supply” and it is written by *Thomas Falk*, *Bernadette Bock* and *Michael Kirk*. This part of the chapter outlines reform in this regard briefly and is a good compliment to the previous contribution. The fourth component is written by *Shirley Bethune* and *Oliver C. Ruppel*. It is entitled and deals with “Land and Agricultural Laws and Policies Relevant for Environmental Protection in Namibia”. The final component of chapter 5 is entitled “Mining and Energy in Namibia” and is written by *Peter Koep* and *Hugo M. van den Berg*. This final component of chapter five discusses the Minerals (Prospecting and Mining) Act and the Minerals Policy of Namibia as well as various energy laws and policy of the country. In addition, the authors include the SADC Protocol on Mining and the SADC Protocol on Energy as important constituents to effective protection of Namibia’s environment in this context.

Chapter six considers an integral part of the legal system of Africa, namely customary law. This chapter, “Customary Law and the Environment” is written by *Manfred O. Hinz*. Although the focus remains on the environment, the author also discusses *inter alia* customary law in Namibia within the general legal system, the development of conservation policy, the BIOTA research project and the protection of traditional knowledge on national and international levels.

Chapter seven is entitled “Western Intellectual Property Rights Regimes and Traditional Knowledge Protection Systems in Africa”. Many indigenous and traditional communities in Africa depend on their surrounding environment and accompanying traditional knowledge of this environment to secure their livelihood. Challenges to- and methods of protecting traditional knowledge of these communities are explored in this chapter by *Eliamani Laltaika*.

In chapter eight *Oliver C. Ruppel* highlights a vital component of environmental law, namely human rights. The chapter, entitled “Human Rights and the Environment”, offers a sound explanation of the categorisation of environmental human rights. Furthermore, the chapter also determines the extent of recognition afforded to environmental concerns in Namibian constitutional law.

The next two chapters are also written by *Oliver C. Ruppel*. Chapter nine is entitled “Trade, Environment and Sustainable Development” and it highlights the inter-relatedness of these three concepts. The discussion refers specifically to the Namibian legal system at times but it remains relevant to most of the developing southern African states. In addition, the chapter includes general discussions on sustainable development in Africa and the World Trade Organization. The environment-related disputes brought before the GATT/WTO dispute settlement mechanism is also included in this chapter. Chapter ten concerns “Environmental Justice: Advocacy, Litigation and Mediation” and fits comfortably into previous discussions concerning human rights and sustainable development. The inclusion environmental justice helps to ensure that this is indeed a comprehensive publication.

Chapter eleven is perhaps the highlight of the publication. The chapter is entitled “Climate Change” and consists of three respective contributions. Southern Africa is extremely vulnerable to climate change as a geographical area that is already plagued by high temperatures and dry conditions. The first contribution in chapter eleven is entitled “Climate Change in Namibia: Projected Trends and Effects” and it is written by *Isaac Mapaure*. The author sets out the unique effects that climate change is projected to have on southern Africa and Namibia in particular. The mitigation and adaptation to climate change within Namibia is also examined. *Oliver C. Ruppel* discusses “Climate Change and Human Vulnerability in Africa” in the second contribution to chapter eleven. The role of the Intergovernmental Panel on Climate Change (IPCC) and its predictions for Africa also forms part of this author’s discussion. It is refreshing that this publication addresses climate change from a much needed and uniquely African perspective. The final contribution to chapter eleven is made by *Nadia von Bassewitz* and is entitled “International Climate

Change Policy and Legislation: Where do we stand?" The final contribution to the chapter ensures that climate change is comprehensively discussed in an international context.

The last part of the publication (chapters twelve, thirteen and fourteen) addresses the following subjects: "Teaching and Research of Environmental Law in Africa and Namibia", "The Ombudsman and the Environment" and "Environmental Journalism in Namibia". Chapters twelve and thirteen are written by the editors respectively and chapter fourteen is written by the Namibian journalist *Absalom Shigwedha*. These chapters add distinct value to the publication as these topics are often neglected in environmental law publications.

The publication reserves recognition for its exceptional display of insight into Namibia and southern Africa's position in the regional and international environmental law arena. The publication, which is a product of German-Namibian development cooperation, should also be set apart based on the fact that it is supplemented by an accompanying CD-ROM, which has been made available by the Hanns Seidel Foundation and GIZ. Moreover, a dedicated website entitled "Environmental Law and Policy in Namibia" contains updates to the publication and the CD-ROM (<http://www.environment-namibia.net/>). This is undoubtedly a very useful addition to an environmental law publication which is subject to a fast evolving field of knowledge.

In conclusion, this publication can be unreservedly recommended to a large audience locally and abroad. The editors managed to incorporate the fundamentals of environmental law seamlessly into a publication containing a vast amount of specialised environmental law knowledge. The publication should undoubtedly appeal to branches of government, academics, legal practitioners, students and the general public.

*Sanita van Wyk, Stellenbosch*