

Oliver C. Ruppel | Katharina Ruppel-Schlichting (Eds.)

# Environmental Law and Policy in Namibia

Towards Making Africa the Tree of Life

4th Edition



**Nomos**



# Recht und Verfassung in Afrika – Law and Constitution in Africa

Band/Volume 43

## **Herausgeber/Editorial Board:**

Ulrich Karpen, Professor of Law, University of Hamburg | Hans-Peter Schneider (1937–2021), Professor of Law, University of Hannover | Oliver C. Ruppel, Professor of Law, Stellenbosch University | Hartmut Hamann, Professor of Law, Freie University Berlin & Hamann Rechtsanwälte, Stuttgart

## **Wissenschaftlicher Beirat/Scientific Advisory Council:**

Laurie Ackermann, Justice (Emeritus), Constitutional Court of South Africa, Johannesburg | Jean-Marie Breton, Professor of Law (Emeritus), Honorary Dean, University of French West Indies and Guyana | Philipp Dann, Professor of Law, Humboldt University Berlin | Gerhard Erasmus, Professor of Law (Emeritus), Associate, Trade Law Centre, Stellenbosch | Norbert Kersting, Professor of Political Sciences, University of Muenster | Salvatore Mancuso, Professor of Law, University of Palermo, Italy | Yvonne Mokgoro, Justice, South African Law Reform and Development Commission, Pretoria | Lourens du Plessis, Professor of Law, Northwest University, Potchefstroom | Werner Scholtz, Professor of Law, University of Southampton | Nico Steytler, Professor of Law, Int. Association of Centers for Federal Studies, Bellville | Hennie A. Strydom, Professor of Law, University of Johannesburg | Christoph Vedder, Professor of Law, University of Augsburg | Gerhard Werle, Professor of Law, Humboldt University Berlin | Johann van der Westhuizen, Justice (Emeritus), Constitutional Court of South Africa, Johannesburg | Reinhard Zimmermann, Professor of Law, Managing Director of the Max Planck Institute for Comparative and International Private Law, Hamburg

Oliver C. Ruppel | Katharina Ruppel-Schlichting (Eds.)

# Environmental Law and Policy in Namibia

Towards Making Africa the Tree of Life

4th Edition



**Nomos**

 Hanns  
Seidel  
Foundation



The content of the chapters in this publication, including any errors or omissions that remain, is the sole responsibility of the individual contributors. While updates have been made during the editorial process, the date of submission of the individual chapters ordinarily reflects state of legislation, case law and literature. The editors have made every effort to acknowledge the use of copyright material. Should any infringement of copyright have occurred, please contact the editors, and every effort will be made to rectify omissions or errors, in the event of a reprint or new edition.

**The Deutsche Nationalbibliothek** lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

ISBN            978-3-8487-8828-6 (Print)  
                  978-3-7489-3356-4 (ePDF)

**British Library Cataloguing-in-Publication Data**

A catalogue record for this book is available from the British Library.

ISBN            978-3-8487-8828-6 (Print)  
                  978-3-7489-3356-4 (ePDF)

**Library of Congress Cataloging-in-Publication Data**

Ruppel, Oliver C. | Ruppel-Schlichting, Katharina  
Environmental Law and Policy in Namibia  
Towards Making Africa the Tree of Life  
Oliver C. Ruppel | Katharina Ruppel-Schlichting (Eds.)  
839 pp.  
Includes bibliographic references.

ISBN            978-3-8487-8828-6 (Print)  
                  978-3-7489-3356-4 (ePDF)

4th Edition 2022 (the previous 3 Editions have only been published in Namibia)

© The Authors and Hanns Seidel Foundation

Published by

Nomos Verlagsgesellschaft mbH & Co. KG  
Walzseestraße 3–5 | 76530 Baden-Baden | Germany  
[www.nomos.de](http://www.nomos.de)

Production of the printed version:

Nomos Verlagsgesellschaft mbH & Co. KG  
Walzseestraße 3–5 | 76530 Baden-Baden | Germany

ISBN            978-3-8487-8828-6 (Print)  
ISBN            978-3-7489-3356-4 (ePDF)  
DOI            <https://doi.org/10.5771/9783748933564>



Onlineversion  
Nomos eLibrary



This work is licensed under a Creative Commons Attribution  
– Non Commercial – No Derivations 4.0 International License.

# Table of Contents

<b>Foreword</b>	<b>21</b>
<b>Preface</b>	<b>23</b>
<b>Acknowledgements</b>	<b>25</b>
<b>The Editors</b>	<b>27</b>
<b>The Contributors</b>	<b>29</b>

## PART I: BACKGROUND

---

<b>Chapter 1: Namibia and its Legal Setup</b>	<b>39</b>
<i>Oliver C. Ruppel and Katharina Ruppel-Schlichting</i>	
1 Namibia in a Nutshell: Facts and Figures	39
2 The Legal Setup in Namibia	42
3 The Laws	43
4 The Court System	44
4.1 The Supreme Court	44
4.2 The High Court	45
4.3 The Lower Courts	46
4.4 The Magistrates' Courts	47
4.5 The Community Courts	47
5 The Ombudsman	48
<b>Chapter 2: Introducing Environmental Law</b>	<b>49</b>
<i>Katharina Ruppel-Schlichting</i>	
1 Terminology	49
2 Foundations of Environmental Protection	51
3 Functions of Environmental Law	53
4 Historical Development of Environmental Law	54
<b>Chapter 3: Namibia and its Environment</b>	<b>65</b>
<i>Katharina Ruppel-Schlichting</i>	
1 Introduction	65
2 Major Environmental Concerns in Namibia	67
2.1 Land Degradation and Soil Erosion	68
2.2 Deforestation	69
2.3 Water Scarcity	69
2.4 Climate Change	70
2.5 Biodiversity Loss	71
2.6 Waste and Pollution	72

<b>Chapter 4: Environmental Law in Namibia – an Overview</b>	<b>75</b>
<i>Oliver C. Ruppel</i>	
1 Introduction	75
2 The Namibian Constitution	75
3 Development Framework	77
3.1 Namibia's Green Plan	77
3.2 Vision 2030 and the National Development Plans	79
4 Policy Framework	82
4.1 Policies on Environment, Wildlife and Biotechnology	83
4.2 Policies on Land and Agriculture	84
4.3 Policies on Water	87
4.4 Policy on Forests	89
4.5 Policies on Tourism	89
4.6 Climate Change and Energy	90
4.7 Environmental Education	91
5 Selected Strategies and Action Plans	91
5.1 National Biodiversity Strategy and Action Plan	91
5.2 National Strategy on Wildlife Protection and Law Enforcement	92
5.3 Namibia's Climate Change Strategy and Action Plan	93
5.4 Aquaculture Strategic Plan	93
5.5 Strategic Action Plan for the Implementation of Renewable Energy Policies	94
5.6 Forestry Strategic Plan	94
6 Statutory Law	95
6.1 Environmental Framework Legislation	96
6.2 Nature Conservation, Wildlife and Traditional Knowledge	98
6.3 Legislation on Water	101
6.4 Legislation on Fisheries and Marine Resources	102
6.5 Legislation on Land and Agricultural Production	103
6.6 Legislation on Forestry	104
6.7 Legislation on Energy and Mining	104
7 Roman-Dutch and Common Law	105
8 Customary Law	107
9 Criminal Aspects of Environmental Law	107

---

## PART II: INTERNATIONAL AND REGIONAL ENVIRONMENTAL LAW

<b>Chapter 5: Introduction to International Environmental Law</b>	<b>111</b>
<i>Oliver C. Ruppel</i>	
1 Introduction	111
2 The Application of International Law in Namibia	111
3 Sources of International Environmental Law	113

3.1	International Conventions: Multilateral Environmental Agreements (MEAs)	113
3.2	Customary International Law	118
3.3	General Concepts and Principles of International Environmental Law	119
3.4	Judicial Decisions and Teachings	123
4	Multilateral Environmental Agreements Relevant to Namibia	123
<b>Chapter 6: Environmental Law and Policy in the African Union</b>		<b>133</b>
<i>Oliver C. Ruppel</i>		
1	Introduction	133
2	Structure of the AU	133
3	Environmental Issues Within the AU's General Legal Framework	136
4	Specific Environmental Conventions	137
4.1	The African Convention on Conservation of Nature and Natural Resources, 1968	138
4.2	The Revised (Algiers) Convention on the Conservation of Nature and Natural Resources, 2003	139
4.3	Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa	141
4.4	The Maritime Transport Charters	141
4.5	The African Nuclear Free Zone Treaty (Treaty of Pelindaba)	142
4.6	The Phyto-Sanitary Convention for Africa	143
4.7	The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa	143
5	Agenda 2063	143
6	The African Union's Judicial, Human Rights and Legal Organs and Bodies and the Consideration of Environmental Rights	144
6.1	The African Court on Human and Peoples' Rights and the African Court of Justice to become the African Court of Justice and Human Rights	144
6.2	The African Commission on Human and Peoples' Rights	145
6.3	The AU Commission on International Law	148
7	Selected Institutions and Initiatives Particularly Relevant for Environmental Protection	149
7.1	The African Ministerial Conference on the Environment (AMCEN)	149
7.2	Relevant Departments within the AU Commission	150
7.3	The Peace and Security Council (PSC)	151
7.4	The African Union Development Agency and the New Partnership for Africa's Development (AUDA-NEPAD)	151

<b>Chapter 7: Environmental Law and Policy in the Southern African Development Community</b>	<b>155</b>
<i>Oliver C. Ruppel</i>	
1 Introduction	155
2 Institutional Structure of SADC	155
3 Heterogeneity within SADC	156
4 Environmentally Relevant Legal Framework	158
4.1 The SADC Treaty	159
4.2 The SADC Protocols	159
4.3 SADC Vision 2050 and the Regional Indicative Strategic Development Plan (RISDP)	174
4.4 Selected Environmental Strategies and Declarations	177
4.5 The SADC Judicial Body	180
<hr/>	
<b>PART III: ENVIRONMENTAL MANAGEMENT, WASTE AND POLLUTION</b>	
<b>Chapter 8: Environmental Management in Namibia</b>	<b>191</b>
<i>Katharina Ruppel-Schlichting</i>	
1 Introduction	191
2 The Environmental Management Act No. 7 of 2007	193
2.1 Environmental Management Principles in the EMA	194
2.2 Ministerial Competencies	195
2.3 Institutions / Officials under the EMA	196
2.4 Environmental Plans under the EMA	197
2.5 Environmental Assessment under the EMA	197
2.6 Enforcement and Appeal under the EMA	204
2.7 Selected Practical Implications of the EMA and EMA Regulations	204
2.8 Proposed Amendments to the EMA	206
3 Concluding Remarks	207
<b>Chapter 9: Pollution Control and Waste Management</b>	<b>209</b>
<i>Katharina Ruppel-Schlichting</i>	
1 Introduction	209
2 International Law	210
3 National Law and Policy	212
3.1 Pollution under the Constitution	212
3.2 Common Law Aspects of Pollution	212
3.3 Framework Legislation: The Environmental Management Act No. 7 of 2007 (EMA)	213
3.4 Sectoral Legislation	215
3.5 National Solid Waste Management Strategy (2018-2028)	221
3.6 Waste Management at Municipal Level: The Example of the City of Windhoek	223

4 Concluding Remarks	226
----------------------	-----

## PART IV: BIODIVERSITY AND WILDLIFE

---

<b>Chapter 10: Legal Protection of Biodiversity in Namibia</b>	<b>231</b>
<i>Manfred O. Hinz and Oliver C. Ruppel</i>	
1 Introduction	231
2 Biodiversity in Perspective	231
3 International Environmental Law Pertinent to Biodiversity Protection in Namibia	235
4 Biodiversity Protection under National Environmental Law	239
4.1 The Constitution	240
4.2 Statutory Law	240
4.3 National Biodiversity Strategy and Action Plan	245
<b>Chapter 11: Namibia's Wildlife Crime Legislation</b>	<b>247</b>
<i>Willem Odendaal</i>	
1 Introduction	247
2 The Duty of the Namibian Government to Act	248
2.1 Article 95 of Namibia's Constitution	249
2.2 The Environmental Management Act No. 7 of 2007	249
2.3 Namibia's National Biodiversity Strategy and Action Plan	250
2.4 Obligations under International Agreements	251
3 Overview of Namibia's Legislative Framework	254
3.1 For Wildlife Crimes	254
3.2 The Nature Conservation Ordinance No. 4 of 1975	254
3.3 The Game Products Trust Fund Act No. 7 of 1997	257
3.4 The Controlled Wildlife Products and Trade Act No. 9 of 2008	258
3.5 The Protected Areas and Wildlife Management Bill (2017)	259
4 Key Issues with Namibia's Existing Legislative Framework	259
4.1 Expansion of the Legislative Framework	260
4.2 The Whistleblower Protection Act and Monetary Incentives for Information and Cooperation	261
4.3 Greater Coordination in the Prosecution of Wildlife Crimes is Needed	263
4.4 Judicial Reforms Are Needed to Enable Prosecutors to More Diligently Prosecute Wildlife Crimes	264
4.5 Communal Property Areas Need Improved Management	265
5 Recommendations for Reforming the Legislative Framework	265
5.1 Beyond the Poacher: Prosecuting Criminals Higher Up the Chain	265
5.2 Improving Coordination in, and Effectiveness of, the Prosecution of Wildlife Crimes	267
6 Conclusion	268

## PART V: WATER ENVIRONMENT

---

<b>Chapter 12: Water Related Policy and Statutory Law</b>	<b>273</b>
<i>Pieter Heyns and Shirley Bethune</i>	
1 Introduction	273
2 Namibia's Water Environment in Context	274
2.1 Rainfall	274
2.2 Evaporation	274
2.3 Water Balance	274
2.4 Water Resources	275
2.5 Water Demand	276
2.6 Water Scarcity	277
3 The Challenge to Provide Water Services	278
4 Conception and Implementation of National Water Policy and Law	279
5 The Water Policy Framework	280
5.1 The Water Supply and Sanitation Sector Policy (WASP)	281
5.2 The National Water Policy (NWP)	283
5.3 The Water Supply and Sanitation Policy (WSASP)	286
5.4 The Draft Wetland Policy	287
6 The Statutory Framework	288
6.1 The Constitution of Namibia	288
6.2 The Water Act No. 54 of 1956	290
6.3 The Water Resources Management Act No. 24 of 2004	293
6.4 The Water Resources Management Act No. 11 of 2013	295
6.5 The Soil Conservation Act No. 76 of 1969	300
6.6 Territorial Sea and Exclusive Economic Zone of Namibia Act No. 3 of 1990	301
6.7 The Namibia Water Corporation Act No. 12 of 1997	302
7 Water Development Planning	305
7.1 Introduction	305
7.2 National Water Planning	307
8 Transboundary Water Management	313
8.1 Introduction	313
8.2 The Helsinki Rules	314
8.3 The United Nations Watercourses Convention	319
8.4 Theories of Sharing Transboundary Water	323
8.5 Customary and General Principles of International Law	324
8.6 The SADC Water Protocols	325
8.7 The SADC Regional Water Policy	327
9 Transboundary Water Agreements	328
9.1 Introduction	328
9.2 Water Commission Institutional Structure	329
9.3 The Kunene River Agreements	330
9.4 The Okavango River Agreement	334
9.5 The Orange River Agreements	334

9.6 The Zambezi River Agreements	338
9.7 The Cuvelai Watercourse Commission	340
<b>Chapter 13: The Okavango River Basin – Resolving the Dichotomy Between Development and Environment</b>	<b>341</b>
<i>Pieter Heyns</i>	
1 Introduction	341
2 Background	341
3 The Okavango River Basin	343
4 Development of the Eastern National Water Carrier in Namibia	346
5 Environmental Issues	348
5.1 The Omatako Canal	348
5.2 The Proposed Rundu–Grootfontein Pipeline Feasibility Study	350
5.3 The Proposed Divundu Hydropower Project	352
5.4 The Activities of the OKACOM	353
6 The Development Space	355
6.1 Development plans	356
6.2 Negotiating the Development Space	357
7 Conclusion	358
<b>Chapter 14: Fisheries Related Statutory Law and Policy in Namibia</b>	<b>359</b>
<i>Clinton Hay</i>	
1 Introduction	359
2 The Policy Framework	363
2.1 Namibia’s Marine Resources Policy: Towards Responsible Development and Management of the Marine Resources Sector (2004)	363
2.2 Namibia’s Inland Fisheries Policy: White Paper on the Responsible Management of the Inland Fisheries of Namibia (1995)	365
2.3 Namibia’s Aquaculture Policy: Towards Responsible Development of Aquaculture (2001)	367
3 The Statutory Framework	369
3.1 The Marine Resources Act No. 27 of 2000	369
3.2 The Inland Fisheries Resources Act No. 1 of 2003	371
3.3 The Aquaculture Act No. 18 of 2002	373
<hr/>	
<b>PART VI: LAND, SOIL AND FORESTRY</b>	
<b>Chapter 15: Land, Soil and Agriculture from a Namibian and International Law Perspective</b>	<b>379</b>
<i>Oliver C. Ruppel and Anielle von Finckenstein</i>	
1 Introduction	379
2 Soil Protection in the International Legal Framework	381
3 Soil, SDGs and the Right to Food	385
4 Soil and Global Climate Governance	387

## Table of Contents

5	Soil Protection in the National Legal Framework	391
5.1	The Constitution and Land Tenure in Namibia	391
5.2	Policy, Legislative, and Institutional Framework Relating to Soil Protection: An Overview	393
5.3	Land and Agricultural Policies	395
5.4	Land and Agriculture Related Legislation	399
6	Concluding Remarks	403
<b>Chapter 16: Land-Use Planning and the Environment</b>		<b>407</b>
<i>Felicity F.!Owoses</i>		
1	Introduction	407
2	The Concept of Land-Use Planning	408
3	Environmental Aspects of Land-Use Planning	410
4	Planning Levels	411
5	Land-Use Plans	411
6	The Land-Use Planning as a Process	412
7	Approaches to Land-Use Planning	413
8	Current Land-Use Policy and Legislative Framework	414
9	Legislative and Policy Framework on Land-Use Planning	415
10	Land-Use Planning Institutions and Administration	422
10.1	The National Planning Commission	423
10.2	The Ministry of Agriculture, Water and Land Reform	423
10.3	Ministry of Urban and Rural Development	424
10.4	Other Authorities, Organisations and Persons	424
11	Spatial Planning	425
11.1	National Spatial Development Framework	426
11.2	Regional Structure Plans	426
11.3	Urban Structure Plans	427
11.4	Zoning Schemes	427
12	Authorised Planning Authorities	429
13	Regional Planning	429
14	Land-Use Planning in the Coastal Zone	430
14.1	Policy, Legal and Institutional Frameworks	430
14.2	Status of Coastal Zone Management	431
14.3	The National Policy on Coastal Management	432
14.4	Defining the Coastal Zone	433
15	Concluding Remarks and Recommendations	434
<b>Chapter 17: Forestry Related Law and Policy</b>		<b>435</b>
<i>Clemens C.C. von Doderer, Jonathan M. Kamwi and Oliver C. Ruppel</i>		
1	Introduction	435
2	Constitutional Provisions Relevant to Forests	437
3	Relevant Regional Frameworks, Statutory Law and Policy	438
3.1	The SADC Protocol on Forestry and the Forestry Strategy	439
3.2	The Forest Policy of 1992	440

3.3	Namibia's Forestry Strategic Plan of 1996	440
3.4	2001 Development Forestry Policy for Namibia	441
3.5	<i>De Lege Lata</i> : The Forest Act No. 12 of 2001	441
3.6	<i>De Lege Ferenda</i>	447
3.7	The 2015 Forest Regulations to the Forest Act	448
3.8	The Community Forestry Guidelines of 2005	449
3.9	The Customary Law of Traditional Communities	449
3.10	The Environmental Management Act No. 7 of 2007	450
4	Concluding Remarks	451

## PART VII: MINING AND ENERGY

---

<b>Chapter 18: Mining Law and Policy in Namibia</b>	<b>455</b>	
<i>Meyer van den Berg and Peter Koep</i>		
1	The Environmental Management Act	455
2	Mining Laws and Policy	460
2.1	The Minerals (Prospecting and Mining) Act	460
2.2	The Minerals Policy	464
2.3	The SADC Protocol on Mining	465
<b>Chapter 19: Energy Law and Policy in Namibia</b>	<b>467</b>	
<i>Detlef von Oertzen</i>		
1	Introduction to Namibia's Energy Industry	467
1.1	The Liquid Fuels Sector	467
1.2	The Electricity Sector	467
1.3	The Upstream Oil and Gas Sectors	468
1.4	The Renewable Energy Sector	468
2	Energy-related Regional and International Developments	469
2.1	Energy Security	469
2.2	Energy and Climate Change	470
2.3	International Regulatory Framework	472
2.4	Regional Regulatory Framework – the SADC Region	474
2.5	Support Mechanisms for the Deployment of Renewable Energies	477
3	Energy-related Laws and Policies in Namibia	480
3.1	The Petroleum Products and Energy Act (1990)	480
3.2	The Petroleum Exploration and Production Act (1991)	481
3.3	The White Paper on Energy Policy (1998)	487
3.4	The Atomic Energy and Radiation Protection Act (2005)	488
3.5	The SADC Protocol on Energy (2006)	489
3.6	The Draft Gas Bill (2001)	491
3.7	Vision 2030 (2004)	492
3.8	The Electricity Act (2007)	492
3.9	National Connection Charge Policy (2014)	494
4	Nuclear Fuel Cycle Policy (2014)	494

## Table of Contents

5	Net Metering Rules (2016)	495
6	Fifth National Development Plan (2017)	496
7	Harambee Prosperity Plan (2016)	496
8	National Energy Policy (2017)	497
9	National Renewable Energy Policy (2017)	498
10	National Independent Power Producer Policy (2018)	499
11	Draft Electricity Bill (2018)	500
12	Draft Namibia Energy Regulatory Authority Bill (2018)	502
13	Draft Off-Grid Electrification Policy (2019)	503
14	Draft Smart Grid Policy (2019)	504
15	Draft National Electrification Policy (2020)	505

## Chapter 20: Namibia's Electricity Sector 509

### *Detlef von Oertzen*

1	Introduction	509
2	Supply Entities	509
3	Independent Power Producers	509
4	Embedded Generators	509
5	Distributed Generating Capacity	510
6	Emergency and Backup Generating Capacity	510
7	Off-grid Generating Capacity	510
8	Electricity Demand	511
9	Electricity Distributors	511
10	Revenues Generated	512
11	Electricity Price	512
12	Key Electricity Sector Stakeholders	512
12.1	Electricity End-Users	512
12.2	Ministry of Mines and Energy	513
12.3	Electricity Control Board	513
12.4	Namibia Power Corporation	513
12.5	Electricity Distribution and Supply Entities	514
12.6	Private Sector Entities	514
13	Namibia's Electricity Market Model	515
13.1	The Single Buyer Market Model (2000 to 2019)	515
13.2	The Modified Single Buyer Market Model (from 2020)	517
14	Private Sector Participation in the Electricity Industry	518
15	Procurement of Additional Generating Capacity	520
15.1	Direct Negotiations	520
15.2	Competitive Bidding and Tendering	521
16	Reflections on Namibia's Electricity Future	523
16.1	Short-term Imperatives – 2021 to 2025	524
16.2	Medium- to Long-term Imperatives – beyond 2025	526
17	Concluding Remarks	528

## PART VIII: CLIMATE CHANGE

---

<b>Chapter 21: Review of the Climate Change Situation in Namibia: Projected Trends, Vulnerability and Impacts</b>	<b>533</b>
<i>Isaac Mapaure</i>	
1 Introduction	533
2 Namibia's Contribution to Greenhouse Gas (GHG) Emissions	535
3 Climate Trends and Projections	538
4 Potential and Actual Impacts of Climate Change	542
4.1 Climate Situation and Vulnerability	542
4.2 Agriculture	544
4.3 Biodiversity, Ecosystems and Tourism	546
4.4 Coastal Zone	550
4.5 Energy	551
4.6 Human Health and Well-Being	552
4.7 Fisheries and Marine Resources	554
4.8 Water Resources	556
5 Compliance, Mitigation and Adaptation to Climate Change: Summary of Selected Actions Taken	557
6 Concluding Remarks	560
<b>Chapter 22: Climate Change <i>de Facto</i> and <i>de Jure</i>: Legal and Regulatory Aspects Relevant to Namibia</b>	<b>561</b>
<i>Oliver C. Ruppel</i>	
1 Introduction	561
2 <i>De Facto</i> : Aspects of Human Vulnerability	562
2.1 Impacts of Climate Change	566
2.2 Future Risks and Opportunities	567
Box: Green Hydrogen from Namibia?	569
3 <i>De Jure</i> : Legal and Regulatory Aspects of Climate Change in Namibia	574
3.1 Legal Climate Change Action?	575
3.2 Constitutional Aspects of Climate Change	576
3.3 Implementing Article 44 of the Constitution: Legislation Relevant for Climate Change	579
3.4 Implementing Article 95(l) of the Constitution: Namibia's Climate Change Policy	580
4 Climate Law	581
4.1 International Climate Law	581
4.2 Domestic Climate Policy	584
4.3 Domestic Climate Law	586
4.4 Private Law Litigation	589
4.5 Neighbour Law and Nuisance Claims	594
4.6 Public Climate Litigation	594
4.7 International Climate Litigation	598
5 Conclusion	602

## PART IX: CUSTOMARY LAW AND TRADITIONAL KNOWLEDGE

---

<b>Chapter 23: Customary Law and the Environment</b>	<b>609</b>
<i>Manfred O. Hinz</i>	
1 Introduction	609
2 Post-Independence Conservation Policy in Namibia: Gateway for Customary Environmental Law	611
3 Customary Law and Customary Environmental Law within the General Legal System	614
4 Community Projects (Conservancies, Community Forests, Fishery Reserves) and Customary Law	617
5 BIOTA and TFO Research on Customary Law and the Environment	622
6 Traditional Conservationism	627
7 The Protection of Traditional Knowledge	630
8 Concluding Remarks	639
<b>Chapter 24: Western Intellectual Property Rights Regimes and Traditional Knowledge Protection Systems in Africa</b>	<b>643</b>
<i>Eliamani Laltaika</i>	
1 Introduction	643
2 Defining Traditional Knowledge and Associated Genetic Resources	643
3 Biopiracy	645
4 Western Intellectual Property Regime versus Community Rights	647
5 The Convention on Biological Diversity: A New Era for GR Governance?	648
6 Intellectual Property in Plant Genetic Resources for Food and Agriculture and TK	650
6.1 The International Undertaking on Plant Genetic Resources	651
6.2 The TRIPS Agreement and UPOV	652
6.3 Historical Backdrop	652
6.4 The Pinch of IPR to Farmers	654
7 African Approach	654
7.1 The OAU Model Legislation on the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources	655
7.2 The Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore	656
8 The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefit Arising from their Utilisation: Too Little, Too Late?	657
8.1 Overview of the Protocol	657
8.2 Does the Protocol Make a Difference?	658
8.3 Too Little, Too Late?	658
9 The Need for a Paradigm Shift	658
10 Concluding Remarks	659

**PART X: ENVIRONMENTAL ADJUDICATION**

<b>Chapter 25: Environmental Justice and Litigation</b>	<b>663</b>
<i>Oliver C. Ruppel</i>	
1 Introduction	663
2 Environmental Justice and Advocacy	663
3 Administrative Procedures for Compliance and Enforcement	665
4 The Role of Namibian Courts in Environmental Matters	666
5 Criminal Law	668
6 Conflict Resolution	670
6.1 Environmental Litigation	670
6.2 Alternative Dispute Resolution (ADR) in the Field of Environmental Conflict	671
7 Concluding Remarks	673
<b>Chapter 26: Instituting an Environmental Court or Tribunal: An Option for Namibia?</b>	<b>677</b>
<i>Elize Shakalela</i>	
1 Introduction to Environmental Courts and Tribunals	677
2 Models of ECTs	677
2.1 Free-standing Environmental Court (EC) Model	678
2.2 Specialised Green Chambers	679
2.3 Green Judges	680
2.4 Tribunals	680
3 ECTs in the Context of Namibia's Judiciary and the Environmental Management Act	681
4 Push Factors for Establishing an ECT in Namibia	682
4.1 Principle 10 of the Rio Declaration	682
4.2 Development Agencies	683
4.3 The Judiciary	683
4.4 Other Factors	683
5 The Significance of Establishing an Environmental Court / Tribunal in Namibia	684
5.1 ECTs as Effective Tool to Enforce Environmental Law Timously	684
5.2 Option to Operate as a Multi-Door-Court-House	685
5.3 Comprehensive <i>Locus Standi</i>	686
5.4 Improving Access to Environmental Justice	686
5.5 An African Example: The Environment and Land Court (ELC) of Kenya	688
6 Conclusion	690
<b>Chapter 27: The Ombudsman and the Environment</b>	<b>693</b>
<i>Katharina Ruppel-Schlichting</i>	
1 Introduction	693
2 Legal Foundations	694

## Table of Contents

3	Basic Characteristics of the Ombudsman in Namibia	695
4	The Environmental Mandate of the Ombudsman	698
5	Investigation, Enforcement and Reporting Procedures	702

## PART XI: CROSS-CUTTING ISSUES

---

<b>Chapter 28: Trade, Environment and Sustainable Development</b>	<b>709</b>	
<i>Oliver C. Ruppel</i>		
1	Introducing the International Trade, Environment and Development Debate	709
1.1	The Trade Perspective	709
1.2	The Environmental Perspective	709
1.3	The Development Perspective	710
1.4	Sustainable Development: The Answer to the Dilemma?	710
2	The Role of Trade for Sustainable Development and the Reduction of Poverty in Africa	713
3	Regional Integration and Natural Resources in Southern Africa	716
4	The WTO and the Environment	719
4.1	The Primary Objectives of the WTO	721
4.2	The 2001 Doha Declaration and the Environment	722
4.3	The Committee on Trade and Environment	724
4.4	WTO Agreements and Environmentally Relevant Provisions	725
4.5	The WTO's Dispute Settlement Body	737
4.6	Some Environmental Case References	738
4.7	The WTO and the North-South Divide	752
4.8	Climate Change and WTO Law	755
5	Multilateral Environmental Agreements (MEAs) and the Multilateral Trading System	757
6	The Trade and Investment Environment in Namibia	760
7	Cotonou and Post-Cotonou Agreement	762
8	Concluding Remarks	763
<b>Chapter 29: Human Rights and the Environment</b>	<b>767</b>	
<i>Oliver C. Ruppel</i>		
1	Introduction	767
2	Human Rights Categories	768
3	Constitutionality of Environmental Human Rights?	770
3.1	The Preamble	771
3.2	Fundamental Rights and Freedoms	772
3.3	Article 6: The Right to Life	774
3.4	Article 8: Respect for Human Dignity	774
3.5	Article 10: Equality and Freedom from Discrimination	777
3.6	Article 15: Children's Rights	778
3.7	Articles 18 and 5: Administrative Justice	779
3.8	Article 19: The Right to Culture	779

3.9 Article 25: Enforcement of Fundamental Rights and Freedoms	781
3.10 Article 95(1): The Environmental Principle of State Policy	782
3.11 Article 100: Sovereign Ownership of Natural Resources	783
3.12 Article 144: International Law	784
4 Concluding Remarks	787
<b>Bibliography</b>	<b>789</b>



## Foreword

It is a great pleasure to see that what has become a standard work in the field of environmental law and policy in Namibia is going into the next round with the fourth fully revised and expanded edition of *Environmental Law and Policy in Namibia – Towards Making Africa the Tree of Life*. The first, second and third editions of this publication attracted much attention among both lawyers and non-lawyers in Namibia, Africa and beyond, and with good reason. This is a sustainable effort indeed and I continue to commend the depth of the work and its positive impact.

A sustainable environment is essential to protect people from the short, medium and long term ravages of nature; man-made threats in nature; and the deterioration of the natural environment. Namibia faces a range of difficult environmental challenges including among others land degradation; water scarcity and pollution; deforestation; biodiversity loss; and climate change. Addressing these challenges requires, above all, unequivocal determination on the part of policy-makers. The law, as a subsequent step to policy and decision-making processes on the one hand and as a basis for enforcement and implementation on the other, is an important discipline in terms of environmental protection and is an essential tool to address environmental problems threatening our country, region and planet. Given the multi-disciplinary nature of environmental issues and the involvement of different Government institutions, policy makers and stakeholders, the afore-mentioned environmental challenges are covered by a variety of statutes and policies.

This book offers a multi-faceted insight into environmental law and policy in Namibia. It does this most successfully by taking stock of the existing legal framework and Namibia's commitment to environment-related issues at the local, national, regional, continental and international level. The mother of Namibian laws, our Constitution, is one of the few constitutions in the world to explicitly incorporate the protection of the environment. It is well reflected in this publication that we have achieved significant milestones in terms of environmental law and policy such as the ratification and implementation of several multilateral environmental agreements; the enactment of landmark pieces of national legislation such as the Environmental Management Act; as well as a broad environmental policy framework. Of course, the process is on-going and we must not rest on our laurels.

It is highly commendable that the editors and authors of this book have again eloquently managed to give an in-depth updated overview of sectoral and cross-sectoral legislation and policies relating to environmental concerns. The publication puts environmental law issues into the broader context of current and future societal needs and economic developments. The focus of the publication is on Namibia. It is, however,

## *Foreword*

notable that the book also puts a strong emphasis on the multi-faceted African legal structure and its particularities, including the environmental legal frameworks of the African Union and the Southern African Development Community.

This publication will be a valuable source of information and guidance for lawyers, judges, students, policymakers and all those members of the public interested in environmental law and policy.

I wish to cordially thank Prof. Dr. Oliver C. Ruppel and Dr. Katharina Ruppel-Schlichting, the Hanns Seidel Foundation, the Deutsche Gesellschaft für Internationale Zusammenarbeit and all who have contributed to the fourth edition of the book and assisted in making it a reality. It has grown to be a landmark and an important work for Namibia, which will inevitably contribute to further green growth, sustainable development and environmentally sound management in the interest of our people. Let all of us make environmental protection our responsibility!



## Preface

This fourth edition of the publication *Environmental Law and Policy in Namibia – Towards Making Africa the Tree of Life* comes at a timely moment both nationally and internationally as the country is tackling diverse and numerous environmental and developmental challenges while the world has come together at the 26th UN Climate Change Conference of the Parties (COP26) in Glasgow on 31 October – 13 November 2021 to accelerate action towards the goals of the Paris Agreement and the UN Framework Convention on Climate Change. The previous three editions of this book were published in 2011, 2013 and 2016, respectively, and all three were a great success. We therefore have sustained our commitment to this work and funded this fourth revised and expanded edition.

The Namibian Government has taken the lead to recognise the impact of the population with its economic activities on the country's natural environment and has also taken the initiative to adopt and domesticate ethical and humane legislation and policies to inclusively undertake, manage and monitor environmental management.

Namibia has made progress in fostering cross-sectoral and dynamic solutions to address the far-reaching effects of climate change, desertification and the depletion of biological resources. As such, this book stands as a comprehensive and telling compilation of the Namibian Government's commitment to tackle environmental challenges as not only users but also stewards of its endowments of natural resources.

Having supported the protection of the natural environment as a part of its worldwide activities for some decades now, the Hanns Seidel Foundation is committed to continuing its efforts for sustainable development and conservation of the natural resources. This book further intersects with many aspects of our Foundation's mandate to support political, economic and social development, especially in the Global South where economic development and environmental sustainability are often competing objectives.

Against this backdrop, the work of the editors and contributors is highly commended for demonstrating the interlinkages of the different sectors engaged in environmental management as well as the dynamic sphere of policy development and implementation guiding such efforts.



Dr. Susanne Luther  
Director of the Institute for International Cooperation (IIZ)  
Hanns Seidel Foundation  
Munich, January 2022



## Acknowledgements

Over the course of writing a book, one accumulates more debts than can be acknowledged in a few lines. A multi-authored publication such as this is an enormous team effort. Therefore, our special thanks go to all the distinguished contributors – both in Namibia and beyond. Upon conducted stakeholder consultations and while considering recent developments and thematic priorities in the field of law and policy, this fourth edition of *Environmental Law and Policy in Namibia* includes – besides substantial updates and revisions – some new Chapters and Sections. In order not to go beyond the constraints with regard to the length of this publication, some reductions of text were again necessary, and we are satisfied to know that these remain preserved and available to the interested reader in previous editions.

We are very grateful to those who contributed financially to this publication, that is the Hanns Seidel Foundation (HSS). “In the service of democracy, peace and development” – this is the motto of the Germany-based Hanns Seidel Foundation; this publication reflects this maxim and the aims of the foundation and its noble mission. Our particular gratitude goes to Dr. Clemens von Doderer, Head of Country Office of the HSS in Namibia, for his active involvement in making the fourth edition of this book a reality and for his valuable contribution as co-author.

This publication is also a tribute to German-Namibian development cooperation which acknowledges Germany’s special historical responsibility and to further strengthen the partnership between the two countries. Most relevant for this book, the focus of German-Namibian development cooperation is on sustainable economic development, natural resource management, climate, energy, and transport. Germany has supported Namibia in many fields, including environmental matters through bilateral cooperation. As early as 1991, Germany and Namibia concluded a cultural agreement, which *inter alia* incorporated cooperation in the areas of research and higher education. Environmental law and policy have also been on this agenda.

We cordially thank the Minister for Environment, Forestry and Tourism, Hon. Pohamba Shifeta, for his continued support! Last but not least, we would like to thank the numerous readers who provided us with valuable feedback on the first three editions of this book – for their positive response, but also for constructive suggestions for improvements.

*Environmental Law and Policy in Namibia – Towards Making Africa the Tree of Life* is always work in progress. This means that the various chapters in this book are regularly updated, reflecting the latest state of affairs at the time of writing the chapter – not necessarily at the time of publication. While legislation and its implementation is progressive in nature, the individual contributors have attempted to capture the latest

### *Acknowledgements*

developments and case law in their respective chapters. In case that such developments have been overtaken by time during the editorial process in the finalisation of the publication before its publication, the reader can expect the next comprehensive update in the fifth edition of this book, which is envisaged for 2024/25.

The Editors, Prof. Dr. Oliver C. Ruppel and Dr. Katharina Ruppel-Schlichting  
*Stellenbosch, January 2022*

## The Editors

**Oliver C. Ruppel** is a full Professor of Law at Stellenbosch University (SU), South Africa and the Director of the Development and Rule of Law Programme (DROP), likewise at SU. He also serves as the Director of the Research Center for Climate Law (Clim:Law) at the University of Graz, Austria. He is a distinguished Fellow at the Fraunhofer Centre for International Management and Knowledge Economy in Leipzig, Germany; and Extraordinary Professor at the University of Central Africa, Yaoundé, Cameroon, at Strathmore Law School, Nairobi, Kenya, at the China-Africa Institute for Business and Law, Xiangtan University, China, and at the European Law Faculty, Nova University, Ljubljana, Slovenia. Before transferring to Stellenbosch University in 2010, he lectured at the University of Namibia (UNAM), where he established one of the worldwide 14 Founding Chairs in the Academic Programme of the World Trade Organization (WTO), Switzerland. Prior to this he served as Director of the Human Rights and Documentation Centre (HRDC), a national institute established by statute under the Namibian Ministry of Justice and UNAM.

He is a Member of the Academy of Sciences, Cameroon; Member of the Sahel Consortium (USA); Member of the Advisory Committee, Platform on Disaster Displacement (PDD), Geneva, Switzerland; Member of the International Conservations Union (IUCN) World Commission for Environmental Law (WCEL); Member of the Wildlife Justice Comission, The Hague, Netherlands; AR5 coordinating lead-author of the United Nations Intergovernmental Panel on Climate Change (IPCC); and Founding Director, Climate Policy and Energy Security Programme for sub-Saharan Africa of the German Konrad Adenauer Foundation. He graduated in law after studies at the Universities of Lausanne, Switzerland and Munich, Germany and holds a Master of Laws degree (LLM) from Stellenbosch University, a Doctor of Laws degree (LLD) from Comenius University, Slovakia, a Master of Mediation degree (MM) from the University of Hagen, Germany and a postgraduate Diploma in International Human Rights Law from Åbo Academi University, Finland.

E-mail: ruppel@sun.ac.za or ruppel@mweb.com.na

**Katharina Ruppel-Schlichting** is a Senior Legal Researcher and Project Coordinator at the Development and Rule of Law Programme (DROP) and Research Fellow at the Stellenbosch University Water Institute (SUWI). Dr. Ruppel-Schlichting is a qualified lawyer and international legal consultant. She graduated after legal studies at the Universities of Passau and Munich, Germany and holds a Master of Laws degree (LLM) from the Stellenbosch University and a Doctor of Laws degree (LLD) from Comenius

University, Slovakia. Dr. Ruppel-Schlichting is specialised in Public International Law, concentrating on Environmental Law and Sustainable Development.  
E-mail: katharina.ruppel@gmail.com

## The Contributors

**Shirley Bethune** is a Senior Lecturer in the School of Natural Resources (Nature Conservation) at the Namibia University of Science and Technology (NUST), lecturing in Aquatic Ecosystems Management, Ecology, Plant and Animal Studies as well as Methodology of Environmental Education and Extension. She holds a Master of Science degree (MSc) in Limnology from Rhodes University (South Africa) and a Limnology Honours Degree cum *laude* from the University of the Free State, South Africa. She published a book on the wetlands of Namibia for school children. She has thirty years of experience in the field of water and wetlands research in Namibia and three years as Namibia's focal point to the United Nations Convention to Combat Desertification (UNCCD). Ms. Bethune serves as Namibia's NGO focal point for the Convention on Wetlands of International Importance (RAMSAR) and its Programme for Developing Communication, Education, Participation and Awareness (CEPA).

**Pieter Heyns** Pr Eng studied at Stellenbosch University in South Africa and graduated with degrees in science and water engineering. He is a registered professional engineer in Namibia and a Fellow of the South African Institution of Civil Engineers. In 1973 he started his career as a civil servant in the construction division of Department of Water Affairs (DWA) in South Africa and was transferred to Namibia 1976 where he progressed through the ranks until he retired in 2007 as the Head of the DWA in the Ministry of Agriculture Water and Forestry. In 1987 he became the Director Resource Management and was accountable for 6 Divisions, of which one was the Division Water Law Administration. After the Independence of Namibia, he was the main driving force behind the establishment of water commissions between Namibia and the other riparian States on the internationally shared, perennial border rivers of Namibia. The main purpose was to enable Namibia to obtain an agreed, sustainable, equitable and reasonable share in the waters of those rivers. He prepared the first drafts of most of the water treaties that led to the agreements to establish water commissions on all the boundary rivers of Namibia, except the Kunene River, which had agreements in place since 1886. In the process he obtained sound knowledge of national and international water law in practice. He was a commissioner in five water commissions and obtained comprehensive experience in the management of transboundary water resources. He became a member of various national and international water management bodies and is a well-known professional in the water sector in Namibia, the SADC Region and elsewhere in the world. He was the chairperson of the Water Resources Technical Committee of the SADC Water Division, as well as a member of the founding steering committee of the Global Water Partnership and member of the African Advisory

Group of the World Bank on Water Management in Africa. He made many contributions to water publications (books and magazines) and published more than 20 papers. Since retirement he remained in practice as an international water management consultant.

**Clinton Hay** is a Senior Lecturer at the Department of Environmental Science, School of Science at the University of Namibia. He holds a PhD (Zoology) from the University of Johannesburg, South Africa. He previously worked as a Chief Fisheries Biologist based at the Hardap Inland Fisheries Institute for the Ministry of Fisheries and Marine Resources and was responsible for inland fisheries in the country. He has 33 years of extensive experience in freshwater fish and fish ecology with some socio-economic background. He assisted with the development of the Inland Fisheries and Aquaculture Policies and legalisation in Namibia. Dr. Hay was engaged in numerous donor-funded projects through the Namibia Nature Foundation (NNF) focused on the co-management of shared fisheries resources between neighbouring countries as well as the devolution of power to community level and in the process assisting communities to have more control over their resources, mainly focussing on the Zambezi, Chobe, Kwando and Kavango Rivers. He is also part of the KAZA Fisheries sub working group. Dr. Hay is the main author of the NNF “Guidelines for setting up fisheries reserves” that were endorsed by SADC.

**Manfred O. Hinz** studied law and philosophy at the University of Mainz, Germany, where he graduated in law. He took his legal practitioner examination in 1964, the year in which he also obtained his PhD from the University of Mainz. After studying anthropology, sociology and African and Oriental languages at the same University, he became assistant lecturer, teaching anthropology and public law. In 1971, he was appointed full professor at the University of Bremen. In 1989, he went to Namibia where, after its Independence, he assisted the Ministry of Justice in its projects to restructure the traditional administration of justice and to make an inventory of customary law. He was later seconded to the office of the first Vice-Chancellor of the University of Namibia (UNAM) to help build the first institution for legal education on Namibian soil: UNAM’S Faculty of Law. He joined the Faculty upon its inception. He has served as Deputy Dean and Dean of the Faculty. Prof. Hinz held the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Chair: Human Rights and Democracy in the Law Faculty’s Human Rights and Documentation Centre from 2000 to 2009. In 2009, Prof. Hinz retired from his full-time position at the University of Namibia. In 2010 he returned to Germany. Apart from holding the position of Professor at the University of Bremen, he is Adjunct Professor of Law and African Studies at the Jacobs University in Bremen since 2014. He has published widely in his areas of specialisation, particularly in the fields of legal and political anthropology, constitutional and international law.

**Jonathan M. Kamwi** is a Senior Lecturer in the Department of Agriculture and Natural Resources Sciences at the Namibia University of Science and Technology. He obtained his PhD in Forest Science from University of Pretoria, MSc in Forest Science from Stellenbosch University, BSc in Tropical Forestry from Larenstein University in the Netherlands and a Diploma in Forestry from the University of Namibia. He is a forest scientist and specialises in socio-ecological systems in forests; Geographical Information Systems, Remote Sensing, Plant Studies and Forest Inventory. His main focus is to carry out forestry related research in the remote regions of Southern Africa and other forest ecosystems in Namibia and beyond to understand the link between people and natural resource governance, the use of resources, and interventions that will successfully promote sustainable forest management. This includes a focus on the drivers of change in land cover and the modelling of carbon dynamics, plant distribution, among others. As a senior civil servant, he led policy and legislative reviews, which set keystone governance frameworks for forestry and the environmental sector in Namibia. He supported both formal protected area management and more importantly, the Community Based Natural Resources Management (CBNRM) in Namibia. He was directly involved with international organisations on forestry issues over short or long-term development projects and is very familiar with forest assessments, project management and the required leadership. He successfully facilitated numerous international meetings both in relatively informal and highly structured formats. Most of his work has focused on forestry research, forest management, remote sensing, forest inventory, climate change vulnerability assessment, governance and institutional issues on the African continent and he is familiar with the relevant forestry and climate change development partners and institutions (such as the GIZ, GEF, COMESA, FAO and UNEP). He was the head of the Forestry Inventory Section, Climate Change Unit and has been involved in the development of Namibia's first Nationally Appropriate Mitigation Action (NAMA), Reduced Emissions from Deforestation and forest Degradation plus (REDD+) activities, the Intended Nationally Determined Contributions (INDCs) and was responsible for the full review and elaboration of the proposals to the Climate Technology Centre Network (CTCN) of the UNFCCC which were approved as a model for developing countries.

**Peter Frank Koep** holds a BA and a LLB from the University of Cape Town. He was admitted as an attorney in 1980 and established Koep & Partners in 1982. After his retirement as Senior Partner, he has been active as mediator and independent legal advisor with extensive knowledge of mining and energy law. He is a long-standing member of the Law Society of Namibia and previously was a Councillor of the Law Society of Namibia, convenor of the Committee on Human Rights, a member of the Board for Legal Education and a member of the International Bar Association. He was the founding member and subsequently President of Namibia Peace Plan 435, working

for the implementation of United Nations Resolution 435 of 1978 leading to the Independence of Namibia.

**Eliamani Laltaika** is a Judge of the High Court of the United Republic of Tanzania and former lecturer in Intellectual Property (IP) and Environmental Law at Tumaini University-Iringa, Tanzania. He was a WIPO Indigenous IP Law Fellow (2009) and the coordinator of the Tanzania Intellectual Property Rights Network (TIP-Net) a non-governmental organisation dedicated to sensitising Tanzanians on issues related to IP and technology transfer. He is a holder of degrees in law from Tumaini University-Iringa University College, Tanzania (LLB-Hons) University of KwaZulu Natal, South Africa (LLM-Environmental Law) and the Munich Intellectual Property Law Centre, MIPLC, Munich-Germany (LLM-IP). He completed a PhD in IP at the Max Planck Institute for Intellectual Property and Competition Law in Munich, Germany. Judge Laltaika also was an advocate of the High Court of Tanzania and legal researcher-cum-consultant for UNESCO's Global Database Ethics Observatory System (GEObs), a project to develop a system of databases with worldwide coverage in bioethics and other areas of applied ethics in science and technology such as environmental ethics, science ethics, and technology ethics. Since August 2012 he has been attached to the IP Law Unit of the Faculty of Law, University of Cape Town as an Open Africa Innovation Research and Training (open A.I.R.) Fellow.

**Isaac Mapaure** is a full Professor of Ecology & Conservation Biology in the Department of Environmental Science at the University of Namibia (UNAM). He holds a PhD in Science specialising in Ecology & Conservation Biology, which he obtained from the University of Zimbabwe (in conjunction with the Norwegian University of Life Sciences, Norway). He previously worked as a Senior Ecologist for a number of years in the Ministry of Agriculture in Zimbabwe before moving to the University of Zimbabwe's Tropical Resource Ecology Programme (TREP) as a Lecturer and later became the Academic Coordinator of TREP. Prof. Mapaure joined UNAM in 2003 where he has also served as Deputy Dean of the Faculty of Science, Director of Research and Deputy Director of Centre for Grants Management and Resource Mobilisation at UNAM. Isaac received the Southern African Research and Innovation Management Association (SARIMA) Award for Distinguished Contribution to the Research Management Profession in southern Africa in 2015. Prof. Mapaure has more than thirty years of experience in research, consultancy and student supervision. He also had short visiting lectureships at Edinburgh University (UK) and Macquarie University (Australia). He teaches a number of Environmental Biology Courses for undergraduate and postgraduate students in the Faculty of Agriculture, Engineering & Natural Science. Prof. Mapaure has supervised more than eighty-five BSc students and more than forty-five Postgraduate students. His areas of research interest include natural resources management, rangeland dynamics, disturbance and restoration ecology,

desertification and land degradation, climate change, phytogeography and biodiversity conservation. He has published more than fifty-five journal papers, some monographs and a number of book chapters.

**Felicity F.!Owoses** is a Deputy Chief at the Directorate Legislative Drafting, Ministry of Justice, Namibia. She has more than 15 years of experience in drafting of legislation in areas of town planning and environmental law and land reform, amongst others. She has recently been appointed as a Commissioner of the Law Reform and Development Commission of Namibia. She is also a Part Time Lecturer at Faculty of Law, University of Namibia (UNAM), lecturing Legal Research, Writing and Interpretation. Ms. /Goagoses holds B. Juris and Bachelor of Laws (LLB) degrees from UNAM. She is currently an LLM candidate in Constitutional Law at the University of South Africa (UNISA). She is a member of the Commonwealth Association of Legislative Counsel. In 2013, she published a book titled *Planning Law in Namibia* which focuses on town planning and township establishment in Namibia. She also published a number of academic articles on children's rights, family law and constitutional law.

**Willem Odendaal** holds a BA Hons (Development Management) from Stellenbosch University, an LLB from the University of South Africa (UNISA) and an LLM in International Law (specialising in International Human Rights law and International Environmental Law) from Oxford Brookes University. He is an admitted legal practitioner to the High and Supreme Courts of Namibia. He was the project coordinator of the Land, Environment and Development project (LEAD) of the Legal Assistance Centre (LAC) Namibia from 2006 until 2019. He is currently affiliated with the University of Strathclyde in Glasgow, Scotland, where he is working towards the completion of his PhD in Law.

**Elize Shakalela** is an environmental law activist, who serves a Law Lecturer at the University of Namibia and part time environmental law consultant. She holds a Master's degree (LLM) in rule of law for development from Loyola University Chicago and an LLB degree from the University of Namibia (UNAM). She serves as a board member to the Community Conservation Fund of Namibia (CCFN), a trustee at the Rooikat Trust and is an honorary member of the Namibia Chamber of Environment. Elize was also appointed by the Congress of Nations and States Preparatory Body to serve as a member of the Environmental Commission. In 2016, Elize founded the plastic free campaign for Namibia which persuaded Namibia's government to place a ban on all single use plastic bags in National Parks and the introduction of a general levy on all plastic bags in the country.

**Hugo Meyer van den Berg** holds an LLB and a BA Hons (Latin) from Stellenbosch University. He also holds a LLM in South African and Namibian mineral law and a

PhD in South African and Namibian petroleum law from the University of Cape Town. He was admitted as Legal Practitioner in 2010 and became a partner at Koep & Partners in 2015. He is a consultant at Ellis Shilengudwa Inc. and lecturer at the University of Namibia (company law, commercial law, criminal law and environmental law) and an Adjunct Associate Professor at the University of Cape Town, where he is affiliated with the DST/NRF Research Chair: Mineral Law in Africa.

**Clemens C. C. von Doderer** holds a Bachelor of Science degree in Forest Sciences and Forest Ecology from the Georg-August-University in Göttingen, Germany, as well as a Master of Science and a PhD in Agriculture (Agricultural Economics) from Stellenbosch University, South Africa. Since 2016, he is the Resident Representative of the Hanns Seidel Foundation (HSF) in Namibia, a German non-profit organisation operating in more than 70 countries around the world. As a representative of HSF Namibia at both the national and international level, he is responsible for overseeing the planning and implementation of all HSF activities in Namibia. This includes projects funded by Germany's Federal Ministry of Economic Cooperation and Development (BMZ), the European Union and Finnish Embassy in Namibia. Through his work, he is committed to promoting democracy, the rule of law, peace and human security, good governance, as well as sustainable economic and environmental development. Prior to joining HSF, he served as a Policy Advisor to the Central Association of European Forest Owners (CEPF) in Brussels, Belgium. Within this role, he was responsible for representing and advocating in the interests of European private forest owners, vis-a-vis numerous European institutions including the European Parliament, the European Council, and the European Commission. He has also served on various advisory boards of the European Commission, where his knowledge and expertise provided counsel on a range of issues pertaining to good governance, common agricultural policy, rural development, renewable energies, environmental protection, and biodiversity. In addition, he coordinated the CEPF's communications and public relations work.

**Anielle von Finckenstein** is Head of FNB Fiduciary. She obtained her Bachelor of Laws degree (LLB) from Stellenbosch University and completed her articles of clerkship at Koep & Partners in Namibia in 2016. During her time at Stellenbosch University she developed a keen interest in socio-economic rights and academic writing. After having served on the 2014 editorial committee of *Responsa Meridiana*, a law journal exclusively publishing undergraduate students, she became the editor of the 2015 edition.

**Detlef von Oertzen** is the Director of VO Consulting, which is an independent specialist consulting firm active in the energy, environment, and radiation sectors. Born in Windhoek in 1962, he holds a PhD in highenergy nuclear physics from the

University of Cape Town, and an MBA (Finance) from the Australian AGSB. He is a member of various international, regional, and national multi-disciplinary specialist teams, serves on several energy, electricity, and radiation protection expert groups, and is a member of NamPower's Board of Directors since 2017.

