

**Ministry of Environment and Tourism  
Directorate of Environmental Affairs**

**Environmental Legislation Project**



**Update Report**

**31 March 1999 to 30 September 1999**

## **1. Introduction**

This document constitutes an update to the Annual Report for the period 1 April 1998 to 31 March 1999 and should be read as a supplement to the said Annual Report.

## **2. Staffing**

Project staff consist of Michaela Figueira as Project Co-ordinator and Mona Malherbe who holds the position of Project Assistant. Michaela Figueira is seconded to the project by the Legal Assistance Centre. In addition two law students from the University of Namibia, Stoaan Horn and Libby Kapere are employed on a part-time basis.

## **3. Activities**

### **3.1 Collection of existing environmental legislation**

The revision and redrafting of environmental legislation requires access to a comprehensive collection of the legislation subject to review. During the period under review the existing collection of legislation has been expanded and indexed.

### **3.2 Draft Environmental Management Act**

As mentioned in the annual report, this draft legislation was completed in July 1998. It was however decided to delay submission of this draft legislation to the Cabinet Committee on Legislation until the pollution control and waste management legislation was completed. This was done to facilitate the making

of certain amendments to the draft Environmental Management Act that were necessitated by the final draft of the pollution control and waste management legislation. It was anticipated that both the draft Environmental Management Act and the pollution control and waste management legislation would be submitted to the Cabinet Committee on Legislation in August 1999. The process has however been delayed by the fact that the Ministry of Health and Social Services and the Ministry of Labour have raised certain concerns about the final draft of the pollution control and waste management legislation, notwithstanding the fact that representatives of both Ministries concerned were present during the entire consultative process and their input was reflected in the final draft. These concerns have been addressed and it is now anticipated that both the Environmental Management Act and the pollution control and waste management legislation will be put before the Cabinet Committee on Legislation before the end of the year.

### **3.3 Revision of the Nature Conservation Ordinance**

Comprehensive policy proposals on wildlife production and utilisation were completed in November 1998 by the Directorate of Specialist Support Services in the Ministry of Environment and Tourism.

In December 1998 the policy proposals were widely circulated amongst stakeholders in the private and non-governmental sectors for their comment and a workshop for these stakeholders was held in May 1999. Input received at this workshop has now been worked into the policy proposals and work will commence in November on the drafting of the legislation.

In addition to work done by project staff members on the revision of the Nature Conservation Ordinance, the project has engaged the services of a consultant, Professor Manfred Hinz of the Centre for Applied Social Sciences,

to conduct research on existing customary law relating to natural resource management and to make recommendations on the incorporation of such customary law concepts into the new Parks and Wildlife Management Act. During the period under review Professor Hinz has engaged in ongoing field research and has produced a draft baseline study of existing customary law relating to natural resource management. Additional funding has been made available to the project by the World Wildlife Fund to assist with the financing of this study. The final draft of this baseline review is due to be completed at the end of October 1999.

### **3.4 Integrated Pollution Control and Waste Management Legislation**

The final draft of the Pollution Control and Waste Management Act was completed in July 1999 and circulated to stakeholders for their final comment in August 1999.

It was anticipated that the Pollution Control and Waste Management Act would in fact be completed in May 1999 and that it would be submitted to the Cabinet Committee on Legislation in August 1999. The process has however been delayed by the fact that the Ministry of Health and Social Services and the Ministry of Labour have raised certain concerns about the final draft of the Pollution Control and Waste Management Act, notwithstanding the fact that representatives of both Ministries concerned were present during the entire consultative process and their input was reflected in the final draft. These concerns have been addressed and it is now anticipated that this legislation will be put before the Cabinet Committee on Legislation before the end of the year.

### **3.5 Legislation on access to genetic resources:**

During March 1999 the project produced a discussion paper on access to genetic resources entitled "Developing a Legal Framework for the Regulation of Access to Genetic Resources in Namibia". This paper outlines the possible content of new legislation on this topic and identifies some of the issues that will have to be considered in the development of such legislation. This discussion paper was distributed amongst stakeholders during March 1999 in preparation for a workshop on the discussion paper, which was held in April 1999.

On the basis of input received at this workshop, proposals for policy on access to genetic resources has been completed and circulated amongst stakeholders in preparation for a further workshop to be held in November 1999.

### **3.6 Biotechnology Legislation**

A discussion paper was produced in March 1999 and circulated to stakeholders in preparation for a workshop that was held in April 1999 to afford stakeholders an opportunity to furnish input on the proposed regulatory framework. A draft white paper on biosafety was completed in July 1999 and a further workshop on the white paper was held in August 1999. Work will commence shortly on the drafting of legislation.

### **3.7 General legal duties and input on other legislation**

In addition to the legislation being revised and redrafted by the project, project staff members have assisted with and commented on sectoral draft legislation

which have an impact on the environment and rendered general legal duties within the Directorate of Environmental Affairs.

### **3.8 Study and working trips and conferences**

3.8.1 During June 1999 Michaela Figueira attended the annual international conference of the International Association of Impact Assessments (IAIA) in Glasgow, Scotland. This annual conference focuses on international developments in the field of environmental impact assessments. Michaela Figueira and Peter Tarr, Head of the Directorate of Environmental Affairs presented a paper at the conference on EIA's in Namibia, outlining the provisions of the Environmental Management Act, which establishes a legislative and institutional framework for environmental impact assessments in Namibia.

3.8.2 During September 1999, Michaela Figueira attended the Norway / UN Conference on the Ecosystem Approach for Sustainable Use of Biodiversity in Trondheim, Norway. This conference was particularly useful, given the fact that work is to commence shortly on the drafting of the new Parks and Wildlife Management Act. Whilst in Norway, Michaela Figueira met with Prof. Bugge, the Norwegian advisor to the project to discuss progress on the project and, in particular, the content of the biosafety white paper.

### **3.9 Lecturing**

Michaela Figueira is presenting a course on environmental law to fourth year LLB students at the University of Namibia.

### **3.10 Research**

With the assistance of the two UNAM students employed by the project on a part-time basis, comparative research has been conducted on legal and institutional frameworks in place internationally which regulate access to genetic resources. In addition, research has been conducted by these students on the use of protected areas internationally and by Prof. Hinz on customary law relating to natural resources.

### **3.11 Visit by Project Adviser:**

Prof. Bugge, the Norwegian adviser to the project, visited Namibia at the end of April 1999 for five days. During his visit, discussions were held with Prof. Bugge concerning progress on the project and in particular on the content of legislation to be drafted on access to genetic resources and biosafety.

---

Michaela Figueira  
Project Co-ordinator

---

Peter Tarr  
Head: Directorate of  
Environmental Affairs