

ENVIRONMENT

Soil Conservation Act 76 of 1969, as amended in South Africa to March 1978

Summary: This Act ([RSA GG 2437](#)) covers the prevention and combating of soil erosion; the conservation, improvement and manner of use of the soil and vegetation; and the protection of water sources.

In South Africa, the *Forest Act 122 of 1984* ([RSA GG 9380](#)), brought into force on 27 March 1986 by RSA Proc. R.46/1986 ([RSA GG 10158](#)), repealed Part VII of the Act and the *Conservation of Agricultural Resources Act 43 of 1983* ([RSA GG 8673](#)), brought into force on 1 June 1984 by RSA Proc. R.74/1984 ([RSA GG 9238](#)), repealed the remainder. Neither of these Acts – which both post-dated the date of transfer – was made expressly applicable to South West Africa.

Repeals: The Act repeals the *Soil Conservation Act 45 of 1946*. The *Second Soil Conservation Amendment Act 38 of 1971* ([RSA GG 3108](#)), which amended this Act to make it applicable to South West Africa, provided for some additional repeals in respect of South West Africa: the Soil Conservation Ordinance 28 of 1952, the Soil Conservation Amendment Ordinance 20 of 1954 and the Soil Conservation Validation Ordinance 11 of 1961.

Applicability to SWA: Section 27A (inserted in 1971) states “This Act and any amendment thereof shall also apply in the territory”, which is defined in section 1 as “the territory of South-West Africa”.

Transfer of administration to SWA: The administration of the Act was transferred to SWA by the Executive Powers (Agricultural Technical Services) Transfer Proclamation (AG 11/1978), dated **2 March 1978**.

The reference to the “Minister” in section 24 of the Act (which deals with limitation of liability) was excluded from the operation of the General Proclamation, meaning that in this section “Minister” continued to refer to the South African Minister of Agriculture.

Amendments: The following pre-independence South African amendments were applicable to SWA –

- *Soil Conservation Amendment Act 4 of 1971* ([RSA GG 3020](#))
- *Second Soil Conservation Amendment Act 38 of 1971* ([RSA GG 3108](#))
- *Soil Conservation Amendment Act 11 of 1973* ([RSA GG 3820](#))
- *Soil Conservation Amendment Act 21 of 1974* ([RSA GG 4212](#))
- *Expropriation Act 63 of 1975* ([RSA GG 4780](#))
- *Soil Conservation Amendment Act 22 of 1977* ([RSA GG 5459](#)).

Certain terminology is amended by the Native Laws Amendment Proclamation, AG 3 of 1979 ([OG 3898](#)), deemed to have come into force in relevant part on 1 August 1978 (section 5 of AG 3 of 1979).

Section 13 is amended by the Forest Act 12 of 2001 ([GG 2667](#)).

Savings: There does not appear to be a savings clause for regulations issued under the laws repealed by this Act or by the *Second Soil Conservation Amendment Act 38 of 1971* ([RSA GG 3108](#)).

However, section 4 of *Act 38 of 1971*, which effects the repeals of the SWA legislation, contains a proviso which states that –

any provision of any law so repealed shall, notwithstanding the repeal of such law, continue to apply in respect of any matter in connection with which anything has been done under any law aforesaid or in respect of anything incidental to any such matter or which may be necessary to be done in connection with any such matter, as if such law had not been so repealed.

This seems to be a transitional provision to cover matters which were in process at the time of the repeals.

Regulations: The following pre-independence regulations appear to be the only ones that remain in force:

Soil Conservation Regulations in RSA GN R.494/1970 ([RSA GG 2674](#)).

Regulations on Fire Protection Committees in RSA GN R.1396/1970 ([RSA GG 2786](#)). Although no repeal of these regulations has been located, they appear to have been superseded by the virtually identical **Regulations on Fire Protection Committees** contained in RSA GN R.2121/1970 ([RSA GG 4081](#)).¹²⁰

No regulations have been issued under the Act since independence. However, see the regulations promulgated under the Communal Land Reform Act 5 of 2002 ([GG 2787](#)); regulations 31 and 32 deal with the prevention of soil erosion and the protection of pastoral resources.

Notices: General provisions in pursuance of the objects of the Act are set out in RSA GN R.495/1970 ([RSA GG 2674](#)).

Application of law: Regulations 31 and 32 issued under the Communal Land Reform Act 5 of 2002 in GN 37/2003 ([GG 2926](#)) refer to the application of this Act in respect of communal areas.

Mountain Catchment Areas Act 63 of 1970

Summary: This Act ([RSA GG 2858](#)) provides for the management and conservation of land in designated mountain catchment areas.

Applicability to SWA: Section 19 states “This Act shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.” This wording did not make amendments to the Act in South Africa automatically applicable to SWA, and none of the amendments were made specifically applicable to SWA.

The Act was amended in South Africa prior to the date of transfer by the *Expropriation Act 63 of 1975* ([RSA GG 4780](#)), which was brought into force on 1 January 1977 by *RSA Proc. 273/1976* ([RSA GG 5363](#)), and by the *Mountain Catchment Areas Amendment Act 41 of 1976* ([RSA GG 5068](#)), which came into force on its date of publication: 7 April 1976.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Forestry) Transfer Proclamation (AG 16/1977), dated **1 December 1977**. There was only one amendment to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Mountain Catchment Areas Amendment Act 76 of 1981* ([RSA GG 7800](#)) – which was not made expressly applicable to SWA.

Amendments: Certain terms in the Act were amended by the Native Laws Amendment Proclamation, AG 3 of 1979 ([OG 3898](#)), deemed to have come into force in relevant part on 1 August 1978 (section 5 of AG 3 of 1979).

There have been no amendments to the Act since independence.

¹²⁰ These regulations were amended in South Africa after the date of transfer by RSA GN R.217/1983 ([RSA GG 8536](#)), which was not made applicable to SWA.

Regulations: Regulations are authorised by section 13 of the Act. Pre-independence regulations are contained in RSA GG R.1606/1971 ([RSA GG 3255](#)), as amended by RSA GN 1260/1976 ([RSA GG 5230](#)).¹²¹ No post-independence regulations have been promulgated.

Hazardous Substances Ordinance 14 of 1974

Summary: This Ordinance ([OG 3415](#)) provides for the control of toxic substances. It covers manufacture, sale, use, disposal and dumping as well as import and export. The Health Act 21 of 1988 ([OG 5651](#)) extended this Ordinance to all of SWA.

Amendments: The Ordinance is amended by the Atomic Energy and Radiation Protection Act 5 of 2005 ([GG 3429](#)), which was brought into force in relevant part on 18 November 2011 by GN 220/2011 ([GG 4835](#)).

Regulations: Regulations are authorised by section 27 of the Act. Pre-independence regulations concerning the control of Group I-Hazardous Substances are contained in GN 99/1979 ([OG 3980](#)), as corrected by GN 173/1979 ([OG 4012](#)). No post-independence regulations have been promulgated.

Notices: GN 99/1979 ([OG 3980](#)) declares certain substances and mixtures of substances to be Group I-hazardous substances in terms of the provisions of section 3(1)(a) of the Ordinance, read with section 3(3)(b).

Nature Conservation Ordinance 4 of 1975

Summary: This Ordinance ([OG 3469](#)) covers game parks and nature reserves, the hunting and protection of wild animals (including game birds), problem animals, fish, and the protection of indigenous plants. It also establishes a Nature Conservation Board.

Repeals: The Ordinance repeals the Extermination of Vermin Ordinance 6 of 1935 and the Nature Conservation Ordinance 31 of 1967 ([OG 2815](#)), which repealed several previous laws including the following:

- Protection of Welwitschia Plant Proclamation 10 of 1916
- Wild Birds Export Prohibition Proclamation 12 of 1924
- Python and Leguan Export Prohibition Ordinance 17 of 1928
- Ostrich Skins Export Ordinance 2 of 1929
- Wild Animals Export Control Ordinance 6 of 1929
- Parrots and Parrakeets Importation Prohibition Proclamation 10 of 1930
- Flora and Fauna Protection Ordinance 19 of 1987 (sections 1,5, 19 and 10)
- Game Preservation Ordinance 11 of 1951
- Game Parks, Nature Parks and Private Game Reserves Ordinance 18 of 1958.

Amendments: The Ordinance is amended by Ord. 4/1977 ([OG 3603](#)), Ord. 16/1980 ([OG 4166](#)), Act 27/1986 ([OG 5294](#)), Act 6/1988 ([OG 5538](#)), Act 17/1988 ([OG 5591](#)), Act 31/1990 ([GG 133](#)) (sections 20 and 26), and Act 5/1996 ([GG 1333](#)) (brought into force on 29 April 1997 by GN 78/1997, [GG 1546](#)) (conservancies).

The Ordinance is also amended by the Inland Fisheries Resources Act 1 of 2003 ([GG 2962](#)), which was brought into force on 6 June 2003 by GN 117/2003 ([GG 2992](#)) (sections 18, 65-71 and 84).

Schedule 3 is amended by GN 115/1978 ([OG 3741](#)), GN 75/1987 ([OG 5364](#)), Act 31/1990 ([GG 133](#))

¹²¹ These regulations repeal the regulations contained in RSA GN R.1396 of 28 August 1970.

and GN 18/2016 ([GG 5936](#)).

Government Notice 18 of 2016 (GG 5936) states that it is amending Schedule 3. However, it states that it is adding “African Wild Dog (Lycaon)” to the list of animals in subparagraph (i). There is no subparagraph (i) in Schedule 3, raising a question as to whether this amendment was perhaps intended to apply to subparagraph (i) of Schedule 4.

Note that there are two versions of GG 5936. The corrected version is not marked as having been corrected in any way. None of the changes affect the amendments to Schedule 3.

Schedule 4 is amended by GN 117/1976 ([OG 3535](#)), GN 75/1987 ([OG 5364](#)), Government Notice 90/1988 ([OG 5547](#)) and GN 131/1996 ([GG 1320](#)).

Government Notice 18 of 2016 (GG 5936) states that it is amending Schedule 3. However, it states that it is adding “African Wild Dog (Lycaon)” to the list of animals in subparagraph (i). There is no subparagraph (i) in Schedule 3, raising a question as to whether this amendment was perhaps intended to apply to subparagraph (i) of Schedule 4.

Note that there are two versions of GG 5936. The corrected version is not marked as having been corrected in any way. None of the changes would affect the amendments which appear to have been meant for Schedule 4.

Schedule 5 is amended by GN 117/1976 ([OG 3535](#)).

Schedule 6 is amended by Government Notice AG 77/1985 ([OG 5045](#)).

Act 3/2017 ([GG 6344](#)) amends sections 1, 17, 26, 27, 38 and 49, and substitutes section 87. These amendments, amongst other things, increase the penalties for certain wildlife crimes.

Savings: There is a savings clause for enactments under the repealed Nature Conservation Ordinance 31 of 1967 in section 90(2) of this Ordinance:

Any proclamation, regulation, notice, order, prohibition, authority, permit, licence, registration, approval, permission, exemption or document promulgated, issued, made, ordered, published, imposed, given or granted and any other act performed in terms of the provisions of any law repealed by subsection (1) shall, if not inconsistent with the provisions of this Ordinance, be deemed to have been promulgated, issued, made, ordered, published, imposed, given, granted or performed in terms of the corresponding provisions of this Ordinance.

There is also a savings clause for enactments under the various laws repealed by the Nature Conservation Ordinance 31 of 1967 in section 77(2) of that Ordinance:

Any proclamation, regulation, notice, order, prohibition, authority, permission, permit, licence or document issued, made, promulgated, imposed, given or granted and any other action taken under the provisions of any law repealed by sub-section (1) shall, if not inconsistent with the provisions of this ordinance, be deemed to have been issued, made, promulgated, imposed, given, granted, taken or performed under the corresponding provisions of this ordinance.

Regulations: Regulations made under this Ordinance are contained in GN 240/1976 ([OG 3556](#)).¹²²

¹²² These regulations repeal the regulations promulgated in GN 51/1968 ([OG 2869](#)), GN 186/1968 ([OG 2943](#), which seems to extend the regulations in GN 51/1968 by adding Chapter 2: General regulations relating to game parks), GN 7/1969 ([OG 2952](#), Chapter 11: Proclamation of Private Game and Nature Reserves i), GN 52/1971 ([OG 3165](#), Chapter 13: Registration of Caged Bird Societies), GN 53/1971 ([OG 3165](#), amendments to the regulations in GN 186/1968) and GN 39/1974 ([OG 3379](#), amendments to the regulations in GN 186/1968).

The regulations in GN 51/1968 ([OG 2869](#)) were also amended by the following, which were not explicitly repealed but would have no independent relevance: GN 126/1969 (OG 3029), GN 9/1970 (OG 3047), GN 22/1971 (OG 3143), GN 62/1971 (OG 3178), GN 141/1971 (OG 3208), GN 191/1972 (OG 3292), GN 167/1973 (OG 3352), and GN 137/1975 (OG 3468).

The regulations in GN 186/1968 ([OG 2943](#)) were also amended by the following, which were not explicitly repealed but would have no independent relevance: GN 71/1970 (OG 3084), GN 62/1971 (OG 3178), GN 21/1972 (OG 3229), GN 168/1973 (OG 3352).

These regulations are amended as follows –

GN 256/1976 (Regs 4(1)-(2))	<u>OG 3563</u>
GN 112/1977 (Regs 4, 36A-E)	<u>OG 3599</u>
GN 248/1977 (Regs 99, 108, 146, 154)	<u>OG 3638</u>
GN 302/1977 (Regs 1-2)	<u>OG 3644</u>
GN 314/1977 (Reg 4)	<u>OG 3647</u>
GN 364/1977 (Regs 8,73)	<u>OG 3659</u>
GN 32/1978 (Regs 1-2, via amendment to GN 302/1977)	<u>OG 3705</u>
GN 114/1978 (Reg 1)	<u>OG 3741</u>
GN 190/1978 (Regs 9, 26)	<u>OG 3798</u>
GN 247/1978 (definitions, Chpt XII)	<u>OG 3845</u>
GN 10/1979 (Regs 4, 5, 6(3), 7)	<u>OG 3894</u>
GN 50/1979 (Regs 36, 104, 114-16, Chpt XVIIA)	<u>OG 3916</u>
GN 56/1979 (Reg 103)	<u>OG 3916</u>
AG GN 8/1981 (Regs 1, 4)	<u>OG 4368</u>
AG GN 41/1982 (definitions, Chpt XIA-XIB)	<u>OG 4609</u>
AG GN 23/1983 (Chpt 11)	<u>OG 4741</u>
AG GN 49/1983 (Reg 115)	<u>OG 4752</u>
AG GN 61/1983 (Regs 1, 4-7)	<u>OG 4757</u>
AG GN 72/1984 (Reg 4)	<u>OG 4901</u>
AG GN 36/1985 (Reg 122)	<u>OG 5019</u>
GN 3/1985 (Reg 31)	<u>OG 5064</u>
GN 101/1985 (Reg 25A)	<u>OG 5125</u>
GN 121/1985 (Reg 4)	<u>OG 5134</u>
GN 122/1986 (Reg 125)	<u>OG 5219</u>
GN 242/1986 (definitions, Regs 28, 36)	<u>OG 5297</u>
GN 81/1987 (Reg 27)	<u>OG 5365</u>
GN 89/1988 (definitions, Regs 60, 101, 104, 106-111, 114-115, 117-118, 125, 147-148, Chpt XIIA)	<u>OG 5547</u>
AG GN 37/1989 (Reg 128A)	<u>OG 5733</u>
AG GN 44/1989 (Reg 118K, Schedule C)	<u>OG 5751</u>
GN 152/1993 (deletes Reg 128B)	<u>GG 765</u>
GN 304/1996 (withdrawn by GN 83/1997)	<u>GG 1446</u>
GN 83/1997 (Regs 147, 148, Chapter XVII B on Conservancies and Wildlife Councils; withdraws and then replicates GN 304/1996)	<u>GG 1554</u>
GN 119/1997 (definitions, Regs 107, 108, 108A, 108B, 110A, 111, 114, 115(1), 118)	<u>GG 1580</u>
GN 59/2009 (Regs 101, 115, 118A, 118C, 122, 128B and Schedule D)	<u>GG 4236</u>
GN 9/2010 (definitions, Regs 114A-114D, Schedules)	<u>GG 4416</u>
GN 9/2010 is amended by GN 19/2016	<u>GG 5936</u>

Note that there are two versions of GG 5936. The corrected version is not marked as having been corrected in any way. All of the changes affect Schedule G – Record Sheet. As a quick method of verification, the *corrected* version of this form contains the heading “MEASUREMENTS AND PHOTOGRAPHS” above the line drawing of the predator; the *incorrect* version of this form contains the heading “MEASUREMENTS & PHOTOGRAPHS” at this spot. There are several other differences between the forms in the two *Gazettes*.

GN 210/2012 (definitions and Reg 36F re: Dorob National Park)	<u>GG 5015</u>
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The original regulations are erroneously cited in GN 210/2012 as being GN 240/1975 instead of GN 240/1976. GN 210/2012 also erroneously lists GN 101/1985 as being “AG GN 101/1985”. GN 210/2012 also lists GN 304/1996 as an amendment to the regulations, but note that it was withdrawn by GN 83/1997 (which GN 210/2012 fails to list).

GN 85/2017 (Reg 9A: plastic bags in game parks/nature reserves)	<u>GG 6285</u>
GN 94/2018 (Regs 107-108A)	<u>GG 6605</u>

This Notice erroneously lists GN 86/2017 amongst the previous amendments to the regulations; the correct reference is GN 85/2017. It also erroneously lists GN 85/2012 as an amendment to the regulations contained in GN 240/1976; these regulations are in fact a separate set of

regulations concerning large carnivores. They are listed separately below.
GN 25/2021 (Reg 1: entry fees in respect of different game parks) [GG 7460](#)
This Notice erroneously lists GN 86/2017 amongst the previous amendments to the regulations; the correct reference is GN 85/2017.

The topics covered in the regulations include tariffs (game parks); regulations relating to game parks; swimming baths and use of boats in game parks; inland fisheries; keeping game and other wild animals in captivity; game dealers; game skins; protected plants and permits for them; regulations for cage bird societies; trophy hunting, manufacturing and dealers' licences and the export of trophies; hunting of huntable game, hunting at night and the export of game and game meat; sea bird guano; private game parks and nature reserves; succulent societies; game-proof fences, recognition and regulation of associations; and registers for coyote getters.

GN 85/2012 ([GG 4911](#)) contains **additional regulations for large carnivores** (lions, cheetahs, leopards, spotted hyenas, brown hyenas and wild dogs) in captivity. These regulations are repealed and replaced by **regulations relating to the keeping of large carnivores in captivity**, contained in GN 278/2022 ([GG 7912](#)).

The only surviving regulations made under the repealed Ordinance and which have been located are hunting regulations that applied only to specific hunting seasons and so are now clearly obsolete.¹²³

Regulations made under the various laws repealed by the Nature Conservation Ordinance 31 of 1967 that may survive pursuant to the chain of savings clauses quoted above have not yet been researched .

Application of law: The application of the Ordinance was affected by the Provision for Control of the Import, Export and Possession of and Trading in Controlled Game Products Proclamation, AG 42/1980 ([OG 4238](#)) – which has since been repealed by the Controlled Wildlife Products and Trade Act 9 of 2008 ([GG 4190](#)).

Notices: GN 203/1973 ([OG 3356](#)) (which is amended by GN 132/1996, [GG 1320](#)) declares certain animals as problem animals.

GN 246/1977 ([OG 3638](#)) contains prohibitions on the export of processed or tanned leopard & cheetah skins.

GN 60/2009 ([GG 4236](#)) placed a moratorium on permits for the importation of large predators and alien species of wild animals into Namibia. However, this blanket prohibition was found to be outside the authority of the Act in *Erindi Ranch (Pty) Ltd v Government of the Republic of Namibia & Others* 2012 (1) NR 185 (HC) and is thus invalid.

GN 87/2019 ([GG 6892](#)) prohibits the importation into Namibia of certain large predators and alien species of wild animals, as set out in the Schedule to the notice.

Other Government Notices issued in terms of the Ordinance deal with specific private game parks, conservancies, hunting seasons, specific declarations of problem animals, nature conservators and honorary nature conservators, registration of associations or boundaries of public game parks and nature reserves. These notices have not been recorded here.

Appointments: Appointments to the Nature Conservation Board are announced in GN 192/2020 ([GG 7309](#)). (This is a retroactive announcement of appointments to the Board for a period of three years from 15 October 2018.)

¹²³ Hunting regulations for the year 1968 are contained in GN 60/1968 (OG 2881). Hunting regulations for the year 1969 are contained in GN 59/1969 (OG 2994). Hunting regulations for the year 1971 are contained in GN 41/1971 (OG 3155). All of these sets of regulations, originally made in terms of the Nature Conservation Ordinance 31 of 1967, are now clearly obsolete.

Cases:

- S v Ngombe* 1990 NR 165 (HC)
S v Machinga 1990 NR 157 (HC) (Controlled Game Products Proclamation 42 of 1980)
Skeleton Coast Safaris v Namibia Tender Board & Others 1993 NR 288 (HC) (section 17(1))
S v Makwele 1994 NR 53 (HC) (sections 20(1) and 30(1)(a))
S v Koortzen 1994 NR 356 (HC) (sections 27(1), 38(1)(a) and 50(1))
S v Kau & Others 1995 NR 1 (SC) (sections 26(1) and 85(2))
S v Vorster 1996 NR 177 (HC) (sections 30(1)(a), 27(1) and 89)
S v Seibeb & Another; S v Eixab 1997 NR 254 (HC) (sections 27(1), 30(1)(a), 40(1)(a))
S v Maritz 2004 NR 22 (HC) (sections 30(1) and 31(1); *mens rea* in the form of *culpa* applies to the offence of hunting huntable game under section 30(1))
S v Aukemeb 2009 (1) NR 19 (HC) (formulation of charge under section 50A and appropriate sentencing)
Van Rensburg & Another v Government of the Republic of Namibia 2009 (2) NR 431 (HC) (sections 26(5), 48(1) and 81(1))
Uffindell t/a Aloe Hunting Safaris v Government of Namibia & Others 2009 (2) NR 670 (HC) (constitutionality of application of trophy hunting provisions in sections 28(1)(a), 36(1)(a) and 78(f) by private treaty rather than public auction, to applicants who were denied opportunity to participate in public auction, as a mechanism to redress their wrongful exclusion)
Waterberg Big Game Hunting Lodge Otjahewita (Pty) Ltd v Minister of Environment 2010 (1) NR 1 (SC) (delegation of powers under the Act after certain expressions in the principal Act were substituted by Act 5/1996, with specific reference to decisions on permit applications made under section 49(1) of the Act)
S v Nel 2015 (4) NR 1057 (HC) (section 89(1)(d), in context of ruling on leave to appeal lower court's refusal to order forfeiture of certain items)
S v Howoseb & Another 2021 (4) NR 1024 (HC) (section 30 as amended in 2017 to increase penalties; forfeiture under section 89(1)(d); seriousness of offence of illegal hunting)
Anabeb Conservancy Committee v Muharuka & Others 2022 (2) NR 492 (HC) (general discussion of background to communal conservancies under section 24A; conservancy is a *universitas* with power and *locus standi* to apply for eviction of unlawful occupiers of conservancy)
Salambala Conservancy v Mukata & Others 2022 (3) NR 769 (HC) (communal conservancy section 24A is a *universitas* with power and *locus standi* to apply for eviction of unlawful occupiers of conservancy).

Commentary:

- MO Hinz, *Without chiefs there would be no game: Customary law and nature conservation*, Windhoek: Out of Africa, 2003
MO Hinz, "Traditional governance and communal conservancies", *Namibia Law Journal*, Volume 3, Issue 2, 2011
Sidney L Haring & Willem Odendaal, "God stopped making land!": *Land Rights, Conflict and Law in Namibia's Caprivi Region*, Legal Assistance Centre, 2012, available [here](#)
Prisca Anyolo, "Conservancies in Namibia: Tools for sustainable development" in MO Hinz, OC Ruppel & C Mapaire (eds), *Knowledge lives in the lake: Case studies in environmental and customary law from Southern Africa*, Windhoek: Namibia Scientific Society, 2012
Eugene Lizazi Libebe, "Namibia customary land rights and community conservancies: Towards a sustainable and integrated legal framework", *Namibia Law Journal*, Volume 10, Issue 1, 2018
Manfred O Hinz, "Conservancies and communal land rights", *Namibia Law Journal*, Volume 10, Issue 1, 2018.

Atmospheric Pollution Prevention Ordinance 11 of 1976

Summary: This Ordinance ([OG 3555](#)) provides for the prevention of air pollution. It was earmarked for repeal as an obsolete law by the Law Reform and Development Commission in 2021,¹²⁴ but was not included in the Repeal of Obsolete Laws Act 12 of 2022. The Health Act 21 of 1988 ([OG 5651](#)) made the Ordinance applicable to all of SWA.

Regulations: Regulations are authorised by several sections of the Act. No post-independence regulations have been promulgated.

Only one set of pre-independence regulations has been located: Regulations concerning the form of an application for a registration certificate or provisional registration certificate and the form of the registration certificate and provisional registration certificate are contained in GN 310/1976 ([OG 3571](#)).

Notices: The entire area of Namibia, with the exception of East Caprivi, is proclaimed as a controlled area for the purposes of section 4(1)(a) of the Ordinance in GN 309/1976 ([OG 3571](#)).

Prevention and Combating of Pollution of the Sea by Oil Act 6 of 1981, as amended in South Africa to Namibian independence

Summary: This Act ([RSA GG 7427](#)) prohibits the discharge of oil from ship, tanker or off-shore installation and gives the state certain powers to prevent such pollution and to deal with the removal of oil in the event of an oil spill. It was brought into force in South West Africa on 7 June 1985 by *RSA Proc. 93/1985* ([RSA GG 9774](#)).

Repeals: The Act repeals the *Prevention and Combating of Pollution of the Sea by Oil Act 67 of 1971*, as amended.

Applicability to SWA: *RSA Proc. 93/1985* ([RSA GG 9774](#)) makes the Act “and all amendments thereof” applicable to SWA from 7 June 1985.

Transfer of administration to SWA: The relevant transfer proclamation is the Executive Powers (Transport) Transfer Proclamation (AG 14/1989), dated 15 March 1978. However, section 3(1)(e) of the transfer proclamation excludes this Act from the operation of the General Proclamation, meaning that **the administration of the Act was not transferred to SWA**.

Amendments: The following pre-independence South African amendments were applicable to SWA –

- *Prevention and Combating of Pollution of the Sea by Oil Amendment Act 59 of 1985 (RSA)* (RSA GG 9772), which was deemed to have come into force on 24 April 1985 (section 2 of Act 59 of 1985; applicable to SWA because it pre-dated the applicability of the Act to SWA)
- *Prevention and Combating of Pollution of the Sea by Oil Amendment Act 63 of 1987 (RSA)* (RSA GG 10936) (applicable to SWA because the administration of the Act was excluded from transfer to SWA).

After Namibian independence, Act 24/1991 ([GG 326](#)) amends sections 1, 7, 8, 9, 12, 19, 20, 21, 27 and 30; repeals section 26; and substitutes certain expressions to make the Act consistent with an independent Namibia and to abolish the Oil Pollution Prevention Fund.

The Namibian Ports Authority Act 2 of 1994 ([GG 810](#)) amends section 21 of the Act.

Act 5/2019 ([GG 7075](#)) amends sections 1, 21 and 30.

¹²⁴ Law Reform and Development Commission, *Report on Repeal of Obsolete Laws: Phase 2* (LRDC 42), March 2021, pages 14-ff.

Savings: Regulations made under the *Prevention and Combating of Pollution of the Sea by Oil Act 67 of 1971* appears to survive in terms of section 31(2):

Any notice, approval, authorization or document given, granted or issued and any other thing done under any provision of any law repealed by this Act shall, unless inconsistent with the provisions of this Act, be deemed to have been given, granted, issued or done under this Act.

Regulations: Regulations are authorised by section 28 of the Act. No post-independence regulations have been promulgated. Pre-independence regulations made in terms of this Act are contained in RSA GN R.1276/1984, but they have not yet been processed for the database.

Regulations made under the repealed law that may survive pursuant to the savings clause quoted above have not yet been researched.

Game Products Trust Fund Act 7 of 1997

Summary: This Act ([GG 1686](#)) establishes a Game Products Trust Fund to support the conservation and management of wildlife resources and rural development. It also establishes a Game Products Trust Fund Board. The Act was brought into force on 1 September 1998 by GN 196/1998 ([GG 1927](#)).

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 5, 6, 7 and 10. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Regulations: The Act makes no provision for regulations.

Forest Act 12 of 2001

Summary: This Act ([GG 2667](#)) consolidates the laws relating to the use and management of forests and forest produce, provides for the control of forest fires and creates a Forestry Council. It was brought into force on 15 August 2002 by GN 138/2002 ([GG 2793](#)).

Repeals: The Act repeals the Preservation of Bees and Honey Proclamation 1 of 1923, the Preservation of Trees and Forests Ordinance 37 of 1952 and the *Forest Act 72 of 1968*.

Amendments: Act 13/2005 ([GG 3564](#)) extends the composition of the Forestry Council, making amendments to sections 1, 2 and 4.

Regulations: Forest Regulations issued under the Act are contained in GN 170/2015 ([GG 5801](#)). There is no savings clause for regulations issued under the laws repealed by the Act.

Notices: Areas declared as community forests under section 15(3) are published from time to time but have not been recorded here.

Cases: *New Force Logistics CC v Anti-Corruption Commission* 2018 (2) NR 375 (HC) (definition of “authorised officer”; section 43).

Commentary:

Ute Dieckmann & Theodor Muduva, *Namibia's Black Gold?: Charcoal Production, Practices and Implications*, Legal Assistance Centre, 2010, available [here](#)

C Mapaure, "Trees at the Crossroads: Internal conflict of laws in the ownership of forests in the Kavango Region" in MO Hinz, OC Ruppel & C Mapaure (eds), *Knowledge lives in the lake: Case studies in environmental and customary law from Southern Africa*, Windhoek: Namibia Scientific Society, 2012

Alex Benkenstein, Simeon Hengari & Werner Mbongo, *Community Forests in Namibia: Ensuring Sustainable Local-level Forest Management*, South African Institute of International Affairs, 2014, available [here](#).

Environmental Investment Fund of Namibia Act 13 of 2001

Summary: This Act ([GG 2669](#)) establishes an Environmental Investment Fund of Namibia to be used to support sustainable environmental and natural resource management. It was brought into force retroactively in 2013, with effect from 1 May 2005 (GN 266/2013, [GG 5314](#)).

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 7, 9, 14 and 21 and deletes section 8. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Regulations: Regulations are authorised by section 26 of the Act, but none have yet been promulgated.

Appointments: Members of the Board of the Environmental Investment Fund of Namibia are announced in GN 4/2021 ([GG 7446](#)).

Atomic Energy and Radiation Protection Act 5 of 2005

Summary: This Act ([GG 3429](#)) provides for protection of the environment of the people in current and future generations against harmful effects of radiation, by controlling radiation sources and nuclear materials. It also establishes an Atomic Energy Board and a National Radiation Protection Authority. Section 44 of the Act, which deals with the administration of the Act, was brought into force on 16 May 2005 (GN 50/2005, [GG 3429](#)). The Act as a whole was brought into force with effect from 16 January 2012 by GN 220/2011 ([GG 4835](#)).

Administration: The administration of the Act is assigned to the Ministry of Health and Social Services by Proc. 19/2008 ([GG 4066](#)).

Regulations: Radiation Protection and Waste Disposal Regulations are contained in GN 221/2011 ([GG 4835](#)).

Non-ionising Radiation Regulations are contained in GN 126/2020 ([GG 7228](#)).

Appointments: Members of the Atomic Energy Board of Directors are announced in GN 210/2020 ([GG 7309](#)).

Related international agreements:

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1986

Convention on Early Notification of a Nuclear Accident, 1986

Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, 1980

Amendment to the Convention on the Physical Protection of Nuclear Material (renaming the convention as Convention on the Physical Protection of Nuclear Material and Nuclear Facilities), 2005

†Statute of the International Atomic Energy Agency (IAEA), 1956.

Biosafety Act 7 of 2006

Summary: This Act ([GG 3763](#)) regulates genetically modified organisms and specified products derived from genetically modified organisms, and establishes a Biosafety Council. It was brought into force with effect from 1 November 2016 by GN 232/2016 ([GG 6135](#)).

Regulations: Biosafety Regulations are contained in GN 210/2016 ([GG 6116](#)). These regulations were brought into force with effect from 1 November 2016 by GN 232/2016 ([GG 6135](#)).

Notices: Certain items are designated as genetically modified organism products (GMO products) in terms of section 1(2) of the Act in GN 259/2018 ([GG 6729](#)), which is repealed and replaced by GN 267/2022 ([GG 7903](#)).

Commentary: Elize Shakalela, “Subsistence Farmers Rights versus Genetically Modified Seeds: Focusing on Developing Countries”, *UNAM Law Review*, Volume 3, Issue 1, 2016, available [here](#).

Environmental Management Act 7 of 2007

Summary: This Act ([GG 3966](#)) provides a framework for decision-making on matters affecting the environment, to promote sustainable management of the environment. It provides a process for environmental assessment and control and establishes a Sustainable Development Advisory Council and provides for the appointment of an Environmental Commissioner and environmental officers. The Act was brought into force on 6 February 2012 by GN 28/2012 ([GG 4878](#)).

Regulations: Environmental Impact Assessment Regulations are contained in GN 30/2012 ([GG 4878](#)).

Notices: A list of activities that may not be undertaken without an Environmental Clearance Certificate is contained in GN 29/2012 ([GG 4878](#)) and GN 34/2016 ([GG 5962](#)).

A notice listing organs of state which are exercising functions that may affect the environment, issued in terms of section 24(1) of the Act for the purpose of Part VI of the Act, is contained in GN 249/2016 ([GG 6149](#)).

A notice listing waste disposal sites is contained in GN 282/2018 ([GG 6753](#)).

A declaration of waste disposal sites is contained in GN 324/2023 ([GG 8223](#)).

Appointments: Members of the Sustainable Development Advisory Council are announced in GN 310/2012 ([GG 5109](#)) and in GN 260/2023 ([GG 8177](#)).

Cases:

Namibian Marine Phosphate (Pty) Ltd v Minister of Environment and Tourism & Others 2019 (1) NR 90 (HC) (successful appeal against Minister’s decision to set aside the decision of Environmental Commissioner to award an environmental clearance certificate; discussion of overarching statutory framework including appeal procedure in Environmental Impact Assessment Regulations; case finds that a concerned citizen has *locus standi* to appeal the decision of the Environmental Commissioner to the Minister; substantial compliance with reg 25(1) suffices where it achieves objects of the provision; the appeal at hand concerns a point of law pursuant to section 51(2)); however, Minister did not follow fair procedure by allowing one party to make written and oral submissions while limiting the other party to written submissions,

so Minister's decision is set aside; appeal hearing may be recommenced *de novo* if Minister is so inclined)

Confederation of Namibian Fishing Associations & Others v Environmental Commissioner Teofilus Nghitila & Others 2021 (3) NR 817 (HC) (*locus standi* under Namibian Constitution on environmental issues; delay in instituting legal action considered in context of awaiting outcome of Environmental Impact Assessment; sections 27 and 57: draft report insufficient to satisfy requirement for an Environmental Impact Assessment Report; interpretation of "listed activity" under sections 27, 29 and GN 29/2012 ([GG 4878](#)); holder of mining licence not entitled to undertake a "listed activity" without an Environmental Clearance Certificate)

Ncumcara Community Forest Management Committee & Others v Environmental Commissioner & Others 2022 (3) NR 737 (HC) (discussion of sections 50 and 56(6); internal remedies under Act should be exhausted before approaching court for review, or else there should have been a request for a mandamus to compel the Minister to make a decision under the Act)

Auas Valley Residents Association & Others v Minister of Environment and Tourism & Others 2022 (3) NR 758 (SC) (environmental clearance certificate cannot sanction a development that violates an approved town planning scheme).

Commentary:

Ministry of Environment and Tourism, *Guide to the Environmental Management Act No 7 of 2007*, 2008
B Walmsley & K Tshipala, *Handbook on Environmental Assessment Legislation in the SADC Region*, Windhoek: Southern African Institute for Environmental Assessment, 2010.

Plant Quarantine Act 7 of 2008

Summary: This Act ([GG 4149](#)) provides for the preventing, monitoring, controlling and eradication of plant pests and regulated the movement of plants and plant products. It also provides for the certification of the phytosanitary standards of plants and plant products exported from Namibia and affects compliance with the International Plant Protection Convention of 1951. It was brought into force on 1 July 2012 by GN 157/2012 ([GG 4975](#)).

Repeals: The Act repeals the Locust Suppression Proclamation 34 of 1923 ([OG 121](#)), the Agricultural Pests Ordinance 11 of 1927 and the *Agricultural Pests Act 3 of 1973* ([RSA GG 3803](#)) as amended.¹²⁵

Savings: Section 23(2) states that anything done under the repealed *Agricultural Pests Act 3 of 1973* "which could have been done under a corresponding provision of this Act is deemed to have been done under that provision". This would appear to include regulations. However, note that there is no savings clause for anything done under any of the *other* repealed laws.

As background to considering what may have survived, note that the *Agricultural Pests Act 3 of 1973* applied to SWA by virtue of the definition of "Republic" in section 1 to include "the territory of South West Africa", and by virtue of section 36 which stated "This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel."

The administration of this Act was transferred to SWA by the Executive Powers (Agricultural Technical Services) Transfer Proclamation (AG 11/1978), dated **2 March 1978**.

Section 3(1)(g) of the transfer proclamation excluded the reference to the "Minister" in section 15 of the Act (which concerns the payment of compensation) from the operation of section 3(1) of the General Proclamation, meaning that in this section "Minister" continued to refer to the South African Minister of Agriculture.

¹²⁵ The *Agricultural Pests Act 3 of 1973* was repealed in South Africa by the *Agricultural Pests Act 36 of 1983*, which was not made applicable to SWA.

Section 3(2) of the transfer proclamation excluded all references to the “Republic” in the Act from the operation of section 3(1)(c) of the General Proclamation, meaning that “Republic” retained the meaning it was given in the definition section of the Act (South Africa and SWA).

Section 3(3) of the transfer proclamation excluded section 32 of the Act (which deals with appeals to the Minister) from the operation of section 4(1) of the General Proclamation, meaning that the Administrator-General was not authorised to delegate the powers transferred to him pursuant to this section of the Act.

The *Agricultural Pests Act 3 of 1973* repealed the *Orchards and Cultivated Plants Cleansing Act 26 of 1947* (SA GG 3829) and the *Agricultural Pests Act 42 of 1957* (SA GG 5887) as amended - neither of which applied to SWA. Section 35(2) of the 1973 Act stated:

Any proclamation, regulation, notice, order, direction, authority, permit, certificate, permission or exemption issued, made, promulgated, given or granted or any other action taken under any provision of a law repealed by subsection (1), shall be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

However, since the repealed laws did not apply in SWA, it appears that none of the savings referred to would be relevant to SWA.

Regulations: In terms of the current Act, **Regulations relating to Issuing of Import Permits, Examination of Imported Plants, Diseases or Insects, and Lodging of Appeals** are contained in GN 158/2012 ([GG 4975](#)), as amended by GN 254/2020 ([GG 7361](#)) (which substitutes Annexure 2).

The following pre-independence regulations made under the *Agricultural Pests Act 3 of 1973* prior to the date of transfer appear to survive under the current Act:

Regulations relating to the Destroying of Locusts in AG GN 30/1989 ([OG 5714](#)).

Regulations relating to the Issuing of Importation Permits, the Examination of Imported Plants, Plant Diseases or Insects and the Lodging of Appeals are contained in GN 57/2007 ([GG 3812](#)). However, these regulations are not included in the database because, although they have not been repealed, they appear to be superseded by the similar 2012 regulations listed above.

Access to Biological and Genetic Resources and Associated Traditional Knowledge Act 2 of 2017

Summary: This Act ([GG 6343](#)) regulates access to biological or genetic resources and associated traditional knowledge, and provides a mechanism for a fair and equitable benefit sharing in respect of these resources. It also establishes an Office of Biological and Genetic Resources and Associated Traditional Knowledge. It was brought into force on 1 November 2021 by GN 236/2021 ([GG 7673](#)).

Regulations: Regulations are authorised by section 23 of the Act and were issued (prior to the Act’s coming into force¹²⁶) in GN 161/2021 ([GG 7597](#)). They appear to have come into effect at the same time as the Act.

¹²⁶ Note that it appears to be competent for the Ministry to publish regulations as preparation for bringing the law into force, but the regulations published in this way may *not* come into force before the relevant portion of the Act is brought into force. See section 12(3) of the Interpretation of Laws Proclamation 37 of 1920:

(3) Where a law confers a power -

...

(b) to make, grant, or issue any... regulations...

...

that power may, unless the contrary intention appears, be exercised at any time after the passing

Related international agreements:

Convention on Biological Diversity (Biodiversity Convention), 1992

Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Montreal, 2000

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010

The Act refers to the “Nagoya Protocol”.

COMMENTARY

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J Glazewski, NK Kanguuehi, M Figueira, “Legal approaches to protecting biodiversity in Namibia” in P Barnard (ed), *Biological diversity in Namibia: A country study*, Windhoek: Namibian National Biodiversity Task Force, 1998

Andrew Corbett & Brian TB Jones, *The legal aspects of Governance in Community-Based Natural Resources Management (CBNRM) in Namibia: DEA Research and Discussion Paper No 41*, Windhoek: Ministry of Environment and Tourism, 2000, available [here](#)

Manfred O Hinz, *Without Chiefs There Would Be No Game: Customary Law and Nature Conservation*, Windhoek: Out of Africa Publishers, 2003

Shirley Bethune, “Review of Legislation and Policies pertinent to Combating Desertification – a case study from Namibia”, 12 (2) *Review of European Community and International Environmental Law* 178 (2003)

Shirley Bethune, Maria Amakali and Kevin Roberts, “Review of Namibian legislation and policies pertinent to environmental flow”, *Physics and Chemistry of the Earth, Parts A/B/C*, Volume 30, Issues 11-16, pages 894-902, 2005

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Legal Assistance Centre/Stanford Law School, *Striking a Better Balance: An Investigation of Mining Practices in Namibia's Protected Areas*, 2009, available [here](#)

Hilma Shindondola-Mote, *Uranium mining in Namibia: The mystery behind 'low level radiation'*, Labour Resource and Research Institute, 2009, available [here](#)

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MO Hinz & C Mapaire, “Traditional and modern use of biodiversity – customary law and its potential to protect biodiversity” in N Jürgens, U Schmiedel, & MT Hoffman (eds), *Biodiversity in Southern Africa, Volume 2: Patterns and processes at regional scale*, Göttingen & Windhoek: Klaus Hess Publishers, 2010

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MO Hinz, OC Ruppel & C Mapaire (eds), *Knowledge lives in the lake: Case studies in environmental and customary law from southern Africa*, Windhoek: Namibia Scientific Society, 2012 (reviewed by Johannes DK Kariseb in *UNAM Law Review*, Volume 1, Issue 2, 2013, available [here](#))

Special Issue on Climate Change, *South African Journal on Human Rights*, Volume 29, Issue 1, 2013

of the law so far as may be necessary for the purpose of bringing the law into operation at the commencement thereof, subject to this restriction that any ... regulations... made... under the power shall not, unless the contrary intention appears in the law or the contrary is necessary for bringing the law into operation, come into operation until the law comes into operation.

A similar issue is discussed in *Minister of Health and Social Services & Others v Medical Association of Namibia Ltd & Another* 2012 (2) NR 566 (SC) at paras 63-69.

- Kazhila C Chinsebu et al, eds, *Indigenous Knowledge of Namibia*, Windhoek: University of Namibia Press, 2015
- Office of the Attorney-General, “Frequently Asked Legal Questions”, Volume 2, May 2016, available [here](#) (section 3 discusses the “precautionary principle” relating to environmental impact; “All public and private entities are required to observe precaution when it comes to any conduct, which may be detrimental to the ecological processes and biological diversity of Namibia and utilization of living natural resources” (para 3.1.14))
- Oliver C Ruppel & Katharina Ruppel-Schlichting, “Namibia’s Constitution in the context of environmental protection and combatting climate change” in Nico Horn & Manfred O Hinz, eds, *Beyond a Quarter Century of Constitutional Democracy: Process and Progress in Namibia*, Windhoek: Konrad Adenauer Stiftung, 2017
- Christian Harris, “Indigenous Peoples Right to Land: Revisiting the envisaged Epupa/Baynes Hydroelectric Dam in Namibia’s Kunene Region”, *Namibia Law Journal*, Volume 10, Issue 1, 2018
- Jordan Lesser, “The Future of Conservation in Namibia: Making the Case for an Environmental Court and Legislative Reforms to Improve Enforcement of Wildlife Crimes”, 32 *Tulane Environmental Law Journal* 49 (2018), available [here](#)
- Oliver C Ruppel & Katharina Ruppel-Schlichting (eds), *Environmental Law and Policy in Namibia: Towards Making Africa the Tree of Life (Fully Revised Fourth Edition)*, Windhoek: Hanns Seidel Foundation, 2022 (previous editions reviewed by Cord Luedemann in *Namibia Law Journal*, Volume 4, Issue 2, 2012 and by Johannes D K Kariseb in *UNAM Law Review*, Volume 2, Issue 1, 2014, available [here](#))
- See also www.the-eis.com and www.conservaionnamibia.com.

INTERNATIONAL LAW

Global:

- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993***
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), 1989***
Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1995
- Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972***
- Convention on Biological Diversity (Biodiversity Convention), 1992***
Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Montreal, 2000
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973***
Amendment to Article XI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Bonn, 1979
- Convention on the Law of the Non-Navigational Uses of International Watercourses, 1997***
- Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), 1971***
Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982
Amendments to Article 6 and 7 of the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1987
- International Convention for the Prevention of Pollution from Ships (MARPOL), 1973, as modified by the Protocol of 1978***
Annex I – Regulations for the Prevention of Pollution by Oil
Annex II – Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk
Annex III – Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form
Annex IV – Regulations for the Prevention of Pollution by Sewage from Ships

Annex V – Prevention of Pollution by Garbage from Ships
Annex VI – Regulations for the Prevention of Air Pollution from Ships
International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKERS), 2001
International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990
International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (INTERVENTION), 1969
Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil (INTERVENTION PROT), 1973
International Plant Protection Convention, 1951, as revised in 1979 and 1997
International Treaty on Plant Genetic Resources for Food and Agriculture, 2001
Minamata Convention on Mercury, 2013
Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CCL PROT) 1992
Protocol of 1992 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1992) (1992 Fund Convention)
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention), 1998
Statutes of the International Centre for Genetic Engineering and Biotechnology (ICGEB), 1983
Protocol of the Reconvened Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology, 1984
Protocol to the Statutes of the International Centre for Genetic Engineering and Biotechnology on the Seat of the Centre, 2007
Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention), 2001
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994
United Nations Framework Convention on Climate Change (UNFCCC), 1992
Kyoto Protocol to the UN Framework Convention on Climate Change, 1997
**Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, 2012*
Paris Agreement, 2015
Vienna Convention for the Protection of the Ozone Layer, 1985
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted by the Second Meeting of the Parties at London on 29 June 1990 (London Amendment)
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted by the Fourth Meeting of the Parties at Copenhagen on 25 November 1992 (Copenhagen Amendment)
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted by the Ninth Meeting of the Parties at Montreal on 17 September 1997 (Montreal Amendment)
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted by the Eleventh Meeting of the Parties at Beijing on 3 December 1999 (Beijing Amendment)
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted by the Twenty-Eighth Meeting of the Parties at Kigali from 10 to 15 October 2016 (Kigali Amendment)

Regional:

****African Convention on the Conservation of Nature and Natural Resources (Revised Version), 2003**
Agreement for the Establishment of the Africa Institute for the Environmentally Sound Management of Hazardous and Other Wastes Agreement, 2004
Agreement for the Establishment of the Southern African Centre for Ivory Marketing (SACIM), 1991

Agreement between the Governments of the Republic of Angola, the Republic of Botswana, and the Republic of Namibia on the establishment of a permanent Okavango river basin water commission (OKACOM), 1994

Agreement between the Governments of the Republic of Angola, the Republic of Botswana and the Republic of Namibia on the Organizational Structure of OKACOM, 2007

Agreement between the Governments of the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia and the Republic of South Africa on the Establishment of the Orange-Sengu River Commission (ORASECOM), 2000

Agreement on the Establishment of the Zambezi Watercourse Commission (ZAMCOM), 2004

Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and Protocol (Abidjan Convention), 1981

Additional Protocol to the Abidjan Convention concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land-based Sources and Activities in the Western, Central and Southern African Region, 2012

***Revised Agreement between the Governments of the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia and the Republic of South Africa on the Establishment of the Orange-Sengu River Commission (ORASECOM), 2018*

**SADC Protocol on Environmental Management for Sustainable Development, 2014*

SADC Protocol on Forestry, 2002

SADC Protocol on Shared Watercourse Systems, 1995

Note: This Protocol has been repealed and replaced by the SADC Revised Protocol on Shared Watercourses, 2000, for the SADC member states that are parties to the Revised Protocol. The 1995 Protocol remains in force between Namibia and SADC states that are party to it but not to the Revised Protocol.

SADC Revised Protocol on Shared Watercourses, 2000

SADC Protocol on Wildlife Conservation and Law Enforcement, 1999

***Treaty of the Southern African Science Centre for Climate Change and Adaptive Land Management (SASSCAL), 2019*

Treaty on the Establishment of the Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA), 2011

See also **AGRICULTURE**.

See also **ANIMALS**.

See also Namibia Wildlife Resorts Company Act 3 of 1998 (**TOURISM**).

See also **FUEL AND ENERGY**.

See also **HEALTH**.

See also Labour Act 11 of 2007 (section 40: hazards extending beyond workplace) (**LABOUR**).

See also **LAND AND HOUSING**.

See also **MARINE AND FRESHWATER RESOURCES**.

See also **MINING AND MINERALS**.

See also Geoscience Professions Act 3 of 2012 (**SCIENCE AND SCIENTIFIC RESEARCH**).

See also **SEA AND SEASHORE**.

See also Foreign Investments Act 27 of 1990 and Controlled Wildlife Products and Trade Act 9 of 2008
(**TRADE AND INDUSTRY**).

See also **WATER**.