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"الحق في بيئة سليمة: حق إنساني أساسي"

ENVIRONMENTAL HEALTH IS A HUMAN RIGHT!

OFFICE OF THE PROSECUTOR GENERAL - REPUBLIC OF NAMIBIA



Upholding the Right to a Healthy Environment in Namibia



Namibia's Natural Wealth

Namibia is blessed with diverse ecosystems, abundant wildlife, and vast mineral resources that form the backbone of our economy and communities.



Safeguarding the Environment

We are committed to protecting Namibia's natural heritage through robust legislation, effective enforcement, and collaborative initiatives with stakeholders.



Promoting Environmental Justice

By addressing emerging challenges such as illegal wildlife trade and pollution, we strive to ensure all Namibians can enjoy the benefits of a clean, safe, and thriving environment.



Diverse Geography

Namibia is distinguished by the Namib Desert along its Atlantic Ocean coast, with a varied landscape that includes deserts, mountains, and wildlife habitats.



Rich Biodiversity

Namibia is home to diverse wildlife, including the Big Five species that draw many visitors to the country.



Key Industries

Namibia's main industries include meatpacking, fish processing, dairy products, beverages, and mining of valuable resources such as diamonds, metals, and minerals.

Third-Generation Human Rights And The Environment

- These include the right to development, the right to peace, the right to a healthy environment and the right to intergenerational equity.
- The Right to a healthy environment entails the obligation to government to:
- (a) refrain from interfering directly or indirectly with the enjoyment of the right to a healthy environment.
- (b) prevent third parties such as corporations from interfering in any way with the enjoyment of the rights to a healthy environment.
- (c) adopt the necessary measures to achieve the full realization of the right to a healthy environment.
- The Czech jurist and first Secretary General of the International Institute for Human Rights in Strasbourg divided human rights into three generations as early as 1977.

The Rule Of Law And The Environment In Namibia



The Namibian Constitution

Article 91(c) protection of the Environment:

The duty to investigate complains concerning the over-utilization of living natural resources, the irrational exploitation of non-renewable resources, the degradation and destruction of ecosystems and failure to protect the beauty and character of Namibia

Article 95(1) The State's Duties:

Maintain the welfare of the people by adopting policies aimed at the maintenance of ecosystem, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future.



CONSTITUTION OF THE REPUBLIC OF NAMIBIA

The Natural Resources Of Namibia

- Article 100 of the Constitution provides for Sovereign Ownership of Natural Resources that "Land, water, and natural resources below and above the surface of the land and in the continental shelf and within the territorial waters and exclusive economic zone of Namibia shall belong to the State if they are not otherwise lawfully owned
- Article 144 of the Constitution also provides for International Law that "Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia

Burning Issues On The Environment Protection

- Climate change, poverty, the exploitation of natural resources and atomic energy. - Namibia being a tourist attraction relies on wildlife and over the pass years we have experiences poaching of wild animals and plants that are being trafficked without proper documents as per the laws of Namibia.
- Namibia also being one of the biggest producers of Natural resources such as diamonds, copper, gold and zinc is faced with environmental challenges such as usage of water and the after maths of mining activities in the
- Namibia's Fishing industries has also been negatively impacted by fishrot scandal that is currently before our courts where people have lost jobs and money laundering took place to enrich the Politically Exposed Persons (PEP's).

Burning Issues on Environmental Protection



Drought and Food Security

Climate change has negatively impacted the livelihoods of Namibians, especially those dependent on farming and commercial agriculture. Severe drought in 2023/2024 has affected food production, requiring the country to declare a state of emergency.



Environmental Protection in the Constitution

The Namibian Constitution is one of the few in the world that explicitly incorporates environmental protection. Its 21 chapters and 148 articles lay the foundation for policies and legislation, including key clauses on sustainable natural resource use.



Namibian Legislation to Combat Environmental Crimes

- 1 Environmental Management Act 7 of 2007
- 2 Nature Conservation Ordinance 4 of 1975 as amended by Act 3 of 2017 (2017)
- 3 Proclamation AG 42/1980 as amended by Act 31 of 1990 (repealed)
- 4 Controlled Wildlife Products and Trade Act 9 of 2008 as amended by Act 6 of 2017 (2017)
- 5 Marine Resources Act 27 of 2000
- 6 Sea Fisheries Act 29 of 1992
- 7 Inland Fisheries Resources Act 1 of 2003
- 8 Forestry Act 12 of 2001
Diamond Act 13 of

SADC Protocols

- 1 Namibia has ratified and implemented several multilateral environmental protocols, treaties and agreements
i.e. SADC Protocols on Energy, Fisheries, Forestry, Health, Mining, Tourism, Trade, Transport, Communication, Shared water systems, Wildlife Conservation and Law Enforcement.
- 2 The SADC Protocol on Wildlife Conservation and Law Enforcement
aims to establish within the framework of the respective national laws of each member state common approaches to the conservation and sustainable use of wildlife resources and to assist with the effective enforcement of laws governing those resources.

Regional Treaties (KaZa TFCA)



Connecting Ecosystems

Namibia has signed an international treaty with neighboring countries to create the Kavango-Zambezi Trans-frontier Conservation Area (KaZa TFCA), the world's largest protected eco-tourism zone.



Shared Ecosystems

The international park connects national parks and protected areas, allowing for the migration of animals and the shared use of natural resources by indigenous communities.



Waterways and Heritage

The KaZa TFCA is connected by waterways, migratory wildlife, and the shared socio-economic heritage of the indigenous peoples in the region.

Ratification of International Conventions on Environmental Crimes

Namibia has taken a proactive stance in addressing environmental crimes by ratifying several key international conventions. This commitment demonstrates the country's dedication to upholding the rule of law and protecting its natural resources for future generations.

One of the most significant treaties Namibia has acceded to is the United Nations Convention against Transnational Organized Crime (UNTOC), which provides a framework for international cooperation in combating transnational crimes, including those related to the environment. By becoming a party to this convention, Namibia has pledged to strengthen its legal and institutional mechanisms to prevent, investigate, and prosecute environmental offenses that have cross-border implications.

In addition, Namibia has ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which regulates the international trade of protected plant and animal species. This commitment ensures that Namibia actively participates in the global effort to combat the illegal wildlife trade and protect vulnerable species within its borders.

Furthermore, Namibia has ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. This convention aims to reduce the generation of hazardous wastes and to promote the environmentally sound management of such wastes, particularly their transboundary movement. By ratifying this convention, Namibia has taken a significant step in safeguarding its environment from the harmful effects of improper hazardous waste disposal.

Protecting Natural Resources



Environmental Management Act

The Environmental Management Act 7 of 2007 is an important tool for environmental protection in Namibia. It requires adherence to sustainable yield principles and establishes responsibilities for managing the environment.



Protecting Natural Resources

The Act promotes the coordinated and integrated management of the environment and natural resources, helping Namibia fulfill its international environmental obligations.



The Environmental Crimes Unit - OPG



Namibian Police PRU

Established a specialized unit to investigate environmental crimes such as wildlife crime.



Office of the Prosecutor General

Established a dedicated unit to prosecute environmental crimes, including wildlife crimes, throughout the country.

Environmental Crimes Unit - OPG

- 1 Capacity Building**
The Head of the Unit and Training Unit constantly train and refresh ECU prosecutors on evidence collection, preservation, and effective prosecution of environmental crimes.
- 2 Bail Sensitization**
Sensitize investigators and prosecutors on bail issues for environmental crimes.
- 3 Investigative Support**
Provide analytical and investigative support to law enforcement, ensuring parallel financial investigations are conducted.
- 4 Real-Time Prosecution**
Ensure strict enforcement of transmitting new & complicated cases from stations to the Head of ECU for real-time, prosecution-guided investigations.

Emerging Environmental Crime Trends

- 1 Wildlife Poaching**
Environmental crime includes wildlife poaching, smuggling and trafficking of illicit products.
- 2 Illegal Logging**
It also includes illegal logging, illegal exploitation of fisheries, waste dumping, and illegal mining of natural resources.
- 3 Developing Tools to Fight Crimes**
The Environmental Crimes Unit is continuously challenged to develop different tools and frameworks to fight these crimes and ensure environmental sustainability.
- 4 Reviewing Effectiveness**
This involves constantly reviewing the strengths and failures in cases brought before courts, as well as the effectiveness of sentences passed in deterring both convicted offenders and potential future offenders.
- 5 Mandatory Referrals**
For the most serious cases, it is **mandatory** that cases involving the hunting of elephants, rhinos, or the dealing or possession of controlled wildlife products be sent to the Prosecutor General for a decision.

Key Take Away

Effective protection of the environment and natural resources requires a collaborative approach involving various government agencies, community organizations, and international partners. In Namibia, the Environmental Crimes Unit (ECU) works closely with other law enforcement bodies, regulatory authorities, and conservation groups to combat environmental crimes.

Collaboration at Multiple Levels

- National cooperation between ECU, police, ministries, and agencies
- Regional collaboration through SADC initiatives
- International alignment with global environmental treaties and standards

Call to Action- Yes! Environmental Health is a Human Right!

In memory of Hage Lou Lou, the revered leader who tirelessly championed "Building One Namibian House, for All Namibians," we now extend our hands across Africa. Join us in constructing an APA House, where we unite to combat environmental crimes and ensure the survival of every animal and plant species. Together, we can safeguard the rich biodiversity of our motherland, Africa!



