

# Knowledge lives in the lake

Case studies in environmental and customary law  
from southern Africa

Like its predecessor, *Biodiversity and the ancestors: Challenges to customary and environmental law. Case studies from Namibia*, which was published in 2008, *Knowledge lives in the lake* presents research within the framework of the international Biodiversity Monitoring Transect Analysis in Africa (BIOTA) Project. Both publications were supported by the United Nations Environment Programme (UNEP). The BIOTA Project was inspired by the movement to translate the demand for sustainable development into international and national policies, which gained worldwide recognition at the Rio de Janeiro Earth Summit in 1992 and has remained on the national and international agenda since then. It was fortunate that some of the questions dealt with in the BIOTA Project could be continued in a new initiative, namely The Future of the Okavango (TFO) Project, which is still in progress. The focus of the TFO Project is the sustainability of the Kavango River Basin, which spans from Angola through Namibia to Botswana. Some of the contributions in this volume mark the interface between the BIOTA and TFO Projects. The emphasis on water and water management in other contributions expresses this interface as well. This publication will be of special value to lawyers, anthropologists, students, policymakers and all members of the public interested in the sustainable development of mother earth.

## The editors

Manfred O Hinz is Professor of Law at the Faculty of Law, University of Bremen, Germany, as well as Research Professor at the University of Namibia. Oliver C Ruppel is Professor of Law at the Faculty of Law of the University of Stellenbosch in South Africa.

Clever Mapaure is a lawyer reading for his PhD at the University of Namibia, where he also lectures part-time.

## The contributors

Prisca N Anyolo  
Manfred O Hinz  
Clever Mapaure  
Emilia N Namwoonde  
Oliver C Ruppel  
Amanda T Takaendesa  
Sanita van Wyk  
Angelique L Zender



Namibia  
ISBN 978-99916-855-8-8



Germany  
ISBN 978-3-941602-75-5

Knowledge lives in the lake: Case studies in environmental and customary law from southern Africa Edited by MO Hinz, OC Ruppel and C Mapaure



# Knowledge lives in the lake

Case studies in environmental and  
customary law from southern Africa

Edited by

Manfred O Hinz

Oliver C Ruppel

Clever Mapaure

**Knowledge lives in the lake. Case studies in environmental and customary law from southern Africa, edited by Manfred O. Hinz; Oliver C. Ruppel and C. Mapaure (2012): Windhoek, Namibia Scientific Society**

**The book is available in Namibia from the Namibia Scientific Society in Windhoek and all Namibian bookstores. In Germany, it can be obtained from the Namibiana Buchdepot in Delmenhorst.**

ISBN

978-99916-855-8-8 (Namibia)

978-3-941602-75-5 (Germany)

**Price: N\$ / ZAR 250.00 or €25,00.**

*Knowledge lives in the lake. Case studies in environmental and customary law from southern Africa* is a recently launched book that follows *Biodiversity and the ancestors. Challenges to customary and environmental law. Case studies from Namibia* and published in 2008 (Windhoek: Scientific Society). Like its predecessor, *Knowledge lives in the lake* contains research by law students done within the framework of the BIOTA sub-project administered by Manfred Hinz for the Faculty of Law of the University of Namibia and by the co-editors Hinz and Ruppel who also supervised the work assembled in the book. Some of the contributions contained in *Knowledge lives in the lake* reach beyond BIOTA and bridge to “The Future Okavango” Project (TFO).

**The contributions:** Manfred Hinz wrote an introduction in which he applies the current discussion on the architecture of governance and law in the globalising world to the political vision of Agenda 21, as it was adopted in the Rio Earth Summit in 1992. *Knowledge lives in the lake* offers studies by

- P. Anyolo on Namibian conservancies in general and the Uukwaluudhi conservancy; by A. Takaendesa on the situation of black Rhino in Zimbabwe;
- N. E. Namwoonde on the problem of the registration of communal land in the Kavango Region and the Jatropha biofuel production in the Kavango and Caprivi Regions;
- C. Mapaure on the legal status of trees and two studies on water law;
- A. Zender on possible prevention of land degradation; and a final contribution by
- Oliver Ruppel and Sanita van Wyk, a post-graduate student of the University of Stellenbosch, on an important water case decided in Botswana.

**The title:** *Knowledge lives in the lake* refers to a statement by the famous South African traditional healer and writer Credo Mutwa, who refers to his grandfather guiding him into the world of African spirituality:

There is [the grandfather said] a huge unseen lake somewhere in the spirit world where all the knowledge of the universe – past, present and future – is to be found. “Knowledge lives in the lake in the form of little silver fishes,” my grandfather said.

The papers on water – water as a lifeline, water as a right, and the socio-political implication of water as a common good – are not only major contributions to this publication; the socio-economic framework responsible for the water of the Kavango River is also central to work that has taken up at least certain aspects of the BIOTA Project and will occupy the consortium of researchers until 2015, namely The Future Okavango (TFO) Project.