



NELSON MANDELA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

FACULTY OF NATURAL RESOURCES AND SPATIAL SCIENCES

DEPARTMENT OF ARCHITECTURE AND SPATIAL PLANNING

QUALIFICATION: Bachelor of Town and Regional Planning Bachelor of Regional and Rural Development	QUALIFICATION CODE: 07BTAR 07BRAR
LEVEL: 6	
COURSE CODE: IRF620S	COURSE NAME: Institutional & Regulatory Framework
SESSION: January 2019	PAPER: Theory
DURATION: 3 hours	MARKS: 100

SUPPLEMENTARY/SECOND OPPORTUNITY EXAMINATION QUESTION PAPER	
EXAMINER(S)	N Korrubel, Contact Details: (061) 207 2570, nkorrubel@nust.na
MODERATOR:	P Genis, Contact Details: (061) 207 2640, pgenis@nust.na

INSTRUCTIONS
<ol style="list-style-type: none">1. Answer ALL the questions.2. Write clearly and neatly.3. Number the answers clearly.4. Answer in full sentences; not only bullet points or phrases.

PERMISSIBLE MATERIALS: Pens, ruler, pencil and eraser

THIS QUESTION PAPER CONSISTS OF 7 PAGES (Including this front page)

QUESTION 1

“A very important concept in our democracy is the idea of checks and balances. The three branches of our government all have power to keep each other in check and prevent abuses of power.”

Source: The Institute for Public Policy Research (IPPR). http://ippr.org.na/wp-content/uploads/2018/01/POP_LawMaking_WEB-1.pdf

- a) Identify the relevant branch of government, the House of Review fall under. (1)
- b) Describe the key functions of the House of Review. (5)

[6]

QUESTION 2

Namibia’s constitution has been praised internationally as being one of the best in the world. Provide a description of Namibia’s Constitution. (10)

[10]

QUESTION 3

Explain Customary Law, one of the sources of law in Namibia. (4)

[4]

QUESTION 4

- a) Describe the approval process of a proposed new law. (10)
- b) Explain the difference between a layperson’s draft and technical draft of a bill. (2)

[12]

QUESTION 5

The paper “The Local Authorities Amendment Bill. A time to Pause and Rethink” by Max Weylandt, of the Institute for Public Policy Research, focusses on proposed changes regarding property ownership in the Local Authorities Amendment Bill.

Discuss the proposed restrictions applicable on the purchase of property in the Namibian Zone. (5)

At a Glance: Property Provisions in the Local Authorities Amendment Bill of 2015

Area	Namibian Zone	Open Zone
Purchase		
Alienation		

Source: The Institute for Public Policy Research (IPPR)
<http://www.ippr.org.na/sites/default/files/Special%20Report%20Report%2010%20Local%20Authorities.pdf>

[5]

QUESTION 6

Answer only ONE of the following TWO questions. Provide a heading to indicate which one your answer refers to.

A] The NDP5 identifies five game changers, simply put critical state inputs or interventions, which need to transpire over the next five years. Identify the five gamechangers. (5)

OR

B] Discuss the Economic Progression Pillar. Your answer must identify the goal (1 mark) and explain the four mutually supportive initiatives for economic progress and expansion (4 marks). (5)

[5]

QUESTION 7

The comprehensive study, titled “Housing in Namibia: Rights, Challenges and Opportunities” conducted by the Institute of Public Policy Research (IPPR) has delivered scathing criticism on the government’s flawed efforts to address the housing crisis in the country where an estimated 26% of citizens live in shacks

Source: Housing Misery: Affordable, Secure Homes Remain a Dream, Namibian Sun, 14 March 2018.

Explain the strategy “Housing and Land”, as reviewed and summed up in the Social Transformation Pillar of the National Development Plan (NDP5). Your answer must refer to the supportive initiatives (as included in the section “How we’re getting there”). (10)

[10]

QUESTION 8

“There is one government official who does not really fit into any one of the three branches of government – the Ombudsman. The Ombudsman’s job is to guard against corruption and injustices in all three branches of government. The Ombudsman is an independent official who is answerable only to the Constitution and the laws of Namibia.” (Advocacy in Action, Legal Assistance Centre, p192&193)

Read through the following article, published in The Namibian, 13 July 2018, and answer the questions.

OMBUDSMAN John Walters says one of the major setbacks experienced by Namibians who wish to participate in the land reform and resettlement programme is that their applications are not being responded to.

Walters started conducting a series of public hearings on land issues to provide frustrated applicants and interested people a platform to share their experiences with a panel from the Office of the Ombudsman and the relevant ministry. ... There was an exception for people sharing sad and frustrating experiences about the resettlement programme.

“The public hearings are about land resettlement; experiences with regards to applications for land reform. Were there answers or not to applications, or did someone else get the farm, or did you hear of people getting farms who do not farm themselves, but sub-let to others?” Walters asked.

He told The Namibian afterwards that eventually, he will demand for the lists of farms made available for resettlement, and the names of the beneficiaries from the various regional land boards.

This will show who had applied and who got farmland, and who are still waiting, and then the reason for the waiting can be explained by the various boards.

“Many problems here have to do with applicants who have applied many times, but still

have not heard anything. They are left guessing, not knowing whether they may have been unsuccessful because maybe they did not meet certain criteria," he said.

"There must be reasons for each decision. If they know they failed, then remedial action can be taken. Some of these people have been applying for the past 20 years."

During the hearing, the Ombudsman gave his audience the opportunity to air their views, which were recorded, and will be presented confidentially.

The inquiry will culminate in a report which will consider all the submissions, allegations, responses and points of law and fact.

The report will be submitted to the relevant ministry, and after that made public.

One of the participants, who only identified himself as Chris, said land remains a "big issue" in Namibia.

"Our parents worked and died for the land, and that is why we want part of it. But we are so sad when land is used for political motives – that only certain people are benefiting.

"We all want a part of it; we have a right to it," he stressed.

Chris accused the government of poor advertising, stating that the majority of people, especially in rural areas, do not get, buy or read newspapers, or watch TV or listen to the radio.

"It looks like people are not interested, but the real problem is that they do not get the message. More must be done to inform the people of resettlement plans and opportunities," he said. ...

Another participant, Ebson, said he had applied about eight times for agricultural land over the past two decades, but did not get any response. "Is it not the previously disadvantaged who must get priority? Why do they say that? They said they would inform me by letter, but still have not. I still don't know if someone else got the farm or not, or if the farm is even still available," he added.

A third participant, Elsie, cried when she narrated her story. According to her, her husband worked on a farm for many years, and was even assured that he would get a piece of land.

"We got food and water, and were able to have animals. We stayed for 14 years, then the owner suddenly said we must go away. We said we could not go without our cattle. Our house was broken down, and a lorry was brought in to remove our things.

"Many old people die soon after they are thrown off farms because of stress," she sobbed, adding that they now live in an informal settlement at Karibib, where their only donkey has to be kept with them at the shack so that it is not stolen – like what happened to their cattle after they were forced off the farm.

She said they also applied for farmland near Otjimbingwe, but have not heard anything about that application.

"We don't want anything big. Just a camp or two for our cattle," she told Walters. ...

Walters ... said a better way was needed to handle land applications, and also urged commercial farmers to take better care of their workers.

Source: <https://www.namibian.com.na/179468/archive-read/> dated 13/07/2018

- a) Identify the relevant branch of government the Ombudsman is investigating, according to the newspaper article. (1)

- b) Name the relevant pillar (provide full details) of the land reform programme which is under scrutiny. (1)
- c) In the article the Ombudsman refers to “Regional Land Boards”, but the relevant regional institutions regarding resettlement are the Regional Resettlement Committees. Describe some of the functions of these committees. (3)
- d) In terms of the National Resettlement Policy allotments can be held under three holding types. Describe the Individual Holding, a type of resettlement. (5)
- e) The National Resettlement Policy is a major step forward towards the implementation of the Land Reform programme. However, especially two constraints are experienced which could affect the implementation. Name the two constraints. (2)
- f) The underlined paragraph in the newspaper article describes the participant Elsie’s difficult situation. In view of the description, identify the relevant main target group, of the beneficiaries of the National Resettlement Policy, they can fall under. (1)
- g) Describe this target group [answer provided in (f)] in more detail. (3)
- [16]**
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QUESTION 9

Answer only ONE of the following TWO questions. Provide a heading to indicate which one your answer refers to.

- A] The land reform programme is built on four “pillars” or sub-programmes. Discuss the sub-programme “the development of un- or underutilised land”. (3)

OR

- B] Land tax is implemented in accordance with section 76 of the Agricultural Commercial Land Reform Act. Discuss the levying of land tax. (3)

[3]

QUESTION 10

Describe how the Communal Land Reform Act, adheres to the Namibian Constitution, which guarantees the equality of all people, including women, before the law. (3)

[3]

QUESTION 11

Spell out the powers of a Communal Land Board, regarding the allocation of a customary land right. The answer must refer to the three decisions a Communal Land Board can reach (Provide complete sentences, not only keywords). (3)

[3]

QUESTION 12

- a) Define the term “expropriation”. (3)
- b) Identify in which two instances does expropriation of communal land occur? (2)
- c) Describe the compensation option available to an affected landowner if he/she is not interested in alternative land for farming purposes. (8)

[13]

QUESTION 13

- a) Specify in which instance a local authority may be declared as an “authorised planning authority” by the Minister, upon recommendation by the Board, in terms of the recently promulgated Urban and Regional Planning Act. (3)
- b) Describe the scope of the promulgated Urban and Regional Planning Act. (7)

[10]

TOTAL**[100]**