



**PAMIBIA UNIVERSITY**  
OF SCIENCE AND TECHNOLOGY

**FACULTY OF HEALTH, NATURAL RESOURCES AND APPLIED SCIENCES**

**DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES SCIENCES**

<b>QUALIFICATION: BACHELOR OF NATURAL RESOURCES MANAGEMENT</b>	
<b>QUALIFICATION CODE: 07BNRS</b>	<b>LEVEL: 7</b>
<b>COURSE CODE: LFN512S</b>	<b>COURSE NAME: LEGAL FRAMEWORK FOR NATURAL RESOURCES</b>
<b>DATE: NOVEMBER 2022</b>	
<b>DURATION: 3 HOURS</b>	<b>MARKS: 150</b>

<b>FIRST OPPORTUNITY EXAMINATION QUESTION PAPER</b>	
<b>EXAMINER(S)</b>	Mr Jeremia K.L. Amutenya
<b>MODERATOR:</b>	Mr Helmuth Tjikurunda

<b>INSTRUCTIONS</b>
1. Answer ALL the questions. 2. Write clearly and neatly. 3. Number the answers clearly.

**PERMISSIBLE MATERIALS**

1. Examination question paper
2. Answering book

**THIS QUESTION PAPER CONSISTS OF 3 PAGES** (Excluding this front page)

### QUESTION 1

*Write* short notes to define or explain the following terms:

- |      |                         |             |
|------|-------------------------|-------------|
| 1.1. | Confession              | (1)         |
| 1.2. | Law                     | (1)         |
| 1.3. | Game                    | (1)         |
| 1.4. | Weapon                  | (1)         |
| 1.5. | Game meat               | (2)         |
| 1.6. | Keep                    | (1)         |
| 1.7. | Human-wildlife conflict | (2)         |
| 1.8. | Deal in                 | (1)         |
| 1.9. | Assessment              | (1)         |
|      |                         | <b>[11]</b> |

### QUESTION 2

*Explain* the difference between the following terms.

- |      |   |            |
|------|---|------------|
| 2.1. | Delict vs. Crime                        | (2)        |
| 2.2. | Accused person vs. Suspect vs. Offender | (3)        |
| 2.3. | Natural person vs Juristic person       | (2)        |
| 2.4. | Consumptive use vs. Non-consumptive use | (2)        |
|      |   | <b>[9]</b> |

### QUESTION 3

- |      |  |     |
|------|--|-----|
| 3.1. | In Namibia, the legal right of a suspect or accused should be explained to him/her as enshrined in the Constitution of the Country. As an investigating officer, <b>what</b> are the rights you are mandated to explain to an accused person or suspect? | (8) |
| 3.2. | <b>Name the three (3)</b> organs of the state and who forms part of those organs of the state.   | (6) |
| 3.3. | The Criminal Procedure Act 51 of 1977, under section 20, gives the right to the state to seize/ confiscate any article. <b>Under what</b> conditions can the state seize/confiscate an article?  | (3) |
| 3.4. | Section 21 of the Criminal Procedure Act 51 of 1977, makes provision for articles to be seized with a search warrant. <b>Who is mandated</b> by the Criminal Procedure Act of 1977 to issue a search warrant?  | (2) |
| 3.5. | <b>What methods</b> would you use as an investigating officer to secure the attendance of an accused person in court for his trial?  | (4) |

**[23]**

#### QUESTION 4

- 4.1. Namibia is fortunate to have visionary legislation that devolves right over wildlife to its citizens. Wildlife as per the Nature Conservation Ordinance 4 of 1975, is divided into four main legal categories namely; specially protected, protected, huntable and problem game. **Name five (5)** specially protected, **ten (10)** protected and **five (5)** huntable game species in Namibia. (20)
- 4.2. Section 21 of the Nature Conservation Ordinance, empowers a Nature Conservation Officer to kill any animals trespassing in National parks. **Name three (3)** animals that are referred to in this section. (3)
- 4.3. Mr Hans Slinger was found contravening Section 26 of the Nature Conservation Ordinance 4 of 1975 (Prohibition of hunting specially protected game) in Khaudum National Park and you are tasked to investigate this allegation. (20)
- 4.3.1 As an investigating officer **name five (5)** aspects, you have to prove in this investigation. (5)
- 4.3.2 Name **six (6)** pieces of evidence that need to accompany the Docket to court. (6)
- 4.3.3 What are your ancillary powers under Section 26, **name four (4)**? (4)
- 4.3.4 Under what conditions are you allowed to kill/hunt specially protected species without a permit and what steps do you take after hunting such species without a permit? (5)
- 4.4. The central part of Namibia has a high number of registered Large Carnivores Facilities. As a Chief warden for the Central regions, how will you control and manage the facilities with their animals? (9)

[52]

#### QUESTION 5

- 5.1. With an increase in human population and a high demand for land, humans and wildlife are increasingly interacting and competing for resources, thus leading to Human-wildlife conflict. **Outline six (6)** ways in which wildlife is creating conflict with human beings. (6)
- 5.2. (14)
- 5.2.1 **Under which** conditions shall payment for livestock loss or crop damage be considered? (5)
- 5.2.2 The human-wildlife conflict policy set out key strategies on how it (5)

is going to mitigate the conflict that occurs between wildlife and humans, of which one is **community care and engagement**. **Briefly explain** what the policy aims to achieve under this strategy.

- 5.2.3 **Under which** conditions shall payment be considered when human life is lost? (4)

[20]

### **QUESTION 6**

- 6.1. The Controlled Wildlife Product and Trade Act has categorised wildlife species into three distinctive categories. **Name** these categories and **explain** the criteria used to justify the placement of wildlife species in these categories. (6)

- 6.2. **Under which five** circumstances shall one be in contravention of Section 4 (1) of the Controlled Wildlife Product and Trade Act 9 of 2008? (10)

[16]

### **QUESTION 7**

- 7.1. In 2007, the Government of the Republic of Namibia commissioned the Environmental Management Act 7 of 2007. **Name three** main objectives of this act as stipulated in Section 2. (6)

- 7.2. (9)

7.2.1. What are some of the circumstances stipulated in Section 20 (2), that warrant an environmental officer to issue a compliance order to a company/person undertaking mining activities, **name two**? (2)

7.2.2 What are some of the components that need to be specified in the compliance order? (7)

- 7.3. In relation to an environmental officer, when is an offence committed? (4)

[19]

**TOTAL: 150 MARKS**