



**NAMIIBIA 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 2020	PAPER: Theory
DURATION: 3 hours	MARKS: 100

SECOND OPPORTUNITY/SUPPLEMENTARY EXAMINATION QUESTION PAPER	
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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 & eraser
THIS QUESTION PAPER CONSISTS OF 7 PAGES (including this front page)

QUESTION 1

Describe the key functions of Parliament's National Assembly. (5)

[5]

QUESTION 2

a) The Constitution sets up three branches of government. The Judicial branch includes all the courts of law, including Community courts. Discuss Community courts. (5)

b) All community court proceedings must follow the principles of natural justice, also known as procedural fairness. Explain briefly what "natural justice" means. (2)

[7]

QUESTION 3

The Namibian Constitution is the supreme law of Namibia, in addition to the Constitution there are three different sources of law in Namibia. Describe Common Law, one of the sources of law.

(4)

[4]

QUESTION 4

There is an important difference between policy and law. State the difference between policy and law. (4)

[4]

QUESTION 5

In the newspaper article titled "Ombudsman lists land reform problems. Women, San most left out." it is pointed out that Namibia lacks national legislation directly related to indigenous people and that the term marginalised people is still used. (Namibian Sun, 2 October 2018).

a) If this matter, provision of legislation directly related to indigenous people, is not addressed in future by the relevant ministry, which Commission can propose a bill on this matter? (1)

[1]

b) Describe the various steps in the compilation and approval process of a proposed law (bill). (10)

c) List the functions of the Ombudsman. (2)

[13]

QUESTION 6

“... the poor housing conditions suffered by a majority of residents were unintentionally exasperated at the start of independence. Apartheid-area policies were abolished and Namibia’s new Constitution ... protected all citizens’ ‘fundamental human rights and freedoms’, including under Article __**(Answer a)**__ ‘to acquire, own and dispose of all forms of immovable and movable property’ and under Article __**(Answer b)**__ the rights ‘to move freely’ and ‘reside and settle’ in any part of the country. This resulted in the following consequences for urban areas...”

Source: The Institute for Public Policy Research (IPPR). Housing in Namibia: Rights, Challenges and Opportunities (p11).

http://ippr.org.na/wp-content/uploads/2018/03/IPPR_HousingBook_PRINT.pdf

a) Complete the sentence. Identify the relevant Article of the Constitution. (1)

b) Complete the sentence. Identify the relevant Article of the Constitution. (1)

c) The paragraph from the IPPR report refers to ‘fundamental human rights and freedoms’. This is from a special section in the Constitution. Specify what this part of the Constitution is sometimes called. (1)

d) Identify any 4 of the consequences/after-effects. (4)

[7]

QUESTION 7

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

- A] Discuss “Rural Economic Development”. Your answer must refer to the supportive initiatives (as included in the section “How we’re getting there”). (8)

OR

- B] Discuss the two game changers, “Increase Productivity in Agriculture” and “Improve Value Addition in Natural Resources”. (8)

[8]

QUESTION 8

Read the following newspaper article titled “Arandis unveils ambitious logistics hub plan” and answer the following questions (The Namibian, 25 September 2019).

THE Arandis Town Council unveiled plans to create a multibillion-dollar logistics hub during the launch of its five-year strategic plan last month.

The Arandis Logistics Hub will connect Arandis to all land-locked countries and will serve as an extension of the port of Walvis Bay.

Surveying of the area is set to be completed by the end of this month. Limited details of the strategic plan show that the project is valued at about N\$5,1 billion and “promises large-scale employment opportunities”.

Another independent project, which is intricately linked to the planned hub, is the soon to be constructed Arandis truck port. ...

“The project brings an estimated investment of N\$10 million to Arandis and various other employment opportunities,” said Jacobs.

Deputy minister of urban and rural development Derek Klazen said at the recent launch of the plan, Arandis was strategically situated in terms of its proximity to the port of Walvis Bay, the coastal towns of Swakopmund, and was linked to the railway, Trans-Kalahari Corridor and an airport nearby.

The town is also situated outside the 'rustbelt' (due to the coastal mist), making it ideal for manufacturing plants, warehousing and many other industries. Part of the logistics hub will include a container terminal, specifically because the town is outside the rustbelt.

“Arandis is a basket of opportunities and investors are encouraged to come and invest in the town,” said Klazen.

– Adam Hartman, The Namibian newspaper journalist (Erongo bureau)

- a) Identify the relevant pillar of the NDP5 which this article relates with (1 mark) and motivate your answer for an additional 2 marks. (3)
- b) State the goal of the relevant pillar [your answer provided in 8(a)]. (2)
- [5]
-

QUESTION 9

The land reform programme is built on four “pillars” or sub-programmes according to Eric Ndala, in his article “Namibian land reform experiences: 1990-2007”

Source: Konrad-Adenauer Stiftung, Seminar Report, No. 20, Johannesburg, July 2009.

- Discuss the sub-programme which is administered by the Agricultural Bank of Namibia. (7)
- [7]
-

QUESTION 10

- a) Repeat the two important objectives of the National Resettlement Policy. (2)
- b) State any two other objectives of the National Resettlement Policy. (2)
- [4]
-

QUESTION 11

During the Second National Land Conference a presentation was delivered by Ms Maria Kasita focussing on the challenges regarding land allocation, administration by the traditional authorities and communal land board, and the development of communal areas.

One of the challenges which was highlighted was the inability to remove illegal fences. Illegal fencing is usually a form of land grabbing, without the relevant authorisation.

Identify three of the negative impacts the occurrence of illegal fences have in the communal areas. (3)

[3]

QUESTION 12

Describe the standard approval process for the allocation of a Right of Leasehold, up till before the registration of the leasehold right and the issuing of the certificate. (5)

[5]

QUESTION 13

Explain how the Communal Land Reform Act aims to improve the system of communal land tenure. (4)

[4]

QUESTION 14

a) Repeat the fundamental principle of compensation. (2)

b) Complete the following sentence.

“The universally accepted method for assessing the replacement cost of improvements for purposes of determining compensation is the ...(Answer b)... approach.” (1)

c) Identify the cost approach that is applied in Namibia. (1)

[4]

QUESTION 15

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

- A] Describe any four shortcomings which restricted the original IRLUP projects (compiled between 1999 and 2005). The pilot project for the Karas region, addressed these shortcomings. (4)

OR

- B] Recognise any four of the various outcomes which was produced by the Karas IRLUP. (4)
- [4]

QUESTION 16

Explain the general approval process of an application submitted with an Authorised Planning Authority, in terms of the approved Urban and Regional Planning Act if the application is in accordance with the relevant forward planning document. (8)

[8]

QUESTION 17

Report the scope of the approved Urban and Regional Planning Act. (8)

[8]

TOTAL**[100]**

