



**PAMIBIA UNIVERSITY**  
OF SCIENCE AND TECHNOLOGY

**FACULTY OF ENGINEERING AND THE BUILT ENVIRONMENT**

**DEPARTMENT OF ARCHITECTURE, PLANNING AND CONSTRUCTION**

<b>QUALIFICATION:</b> BACHELOR OF TOWN AND REGIONAL PLANNING & BACHELOR OF REGIONAL AND RURAL DEVELOPMENT	
<b>QUALIFICATION CODE:</b> 07BTAR & 07BRAR	<b>NQF LEVEL:</b> 6
<b>COURSE CODE:</b> IRF 620S	<b>COURSE NAME:</b> INSTITUTIONAL AND REGULATORY FRAMEWORK
<b>DATE:</b> JANUARY 2023	<b>PAPER:</b> THEORY
<b>DURATION:</b> 3 HOURS	<b>MARKS:</b> 100

<b>SECOND OPPORTUNITY / SUPPLEMENTARY EXAMINATION QUESTION PAPER</b>	
<b>EXAMINER(S)</b>	N Korrubel
<b>MODERATOR:</b>	P Genis

<b>INSTRUCTIONS</b>
1. Answer ALL the questions. 2. Read all the questions carefully before answering. 3. Number the answers clearly

**THIS QUESTION PAPER CONSISTS OF 10 PAGES** (Including this front page)



**QUESTION 1**

Discuss the key findings of the Commission of Inquiry into Claims of Ancestral Land Rights and Restitution. (5)

[5]

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**QUESTION 2**

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

- A] Identify alternative restorative measures which can take several forms that are consistent with internationally accepted definitions of restitution. (3)

OR

- B] Explain the reason the Namibian Government decided to launch different and entirely practical realistic strategies and procedures, to return land to the formerly dispossessed, than the process followed in South Africa. (3)

[3]

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**QUESTION 3**

Describe the duties of Cabinet. (5)

[5]

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**QUESTION 4**

Describe some of the powers and functions of the National Assembly. (6)

[6]

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**QUESTION 5**

- a) Magistrates' courts and Community courts are classified as "lower courts". Discuss Community courts. (5)



- b) In a newspaper article regarding the Community courts, various problems were identified. Identify any two of the problems highlighted in the article. (2)

[7]

**QUESTION 6**

The Constitution points out at the beginning (in the preamble) that Namibia is a “sovereign, secular, democratic and unitary state”.

Match the listed terms (a) Sovereign, (b) Secular, (c) Democratic and (d) Unitary with the relevant correct four descriptions.

*For example, provide your answer in the following manner: (a) Sovereign – ...Your Answer... (4)*

i	<i>means that Namibia is one nation and that the Constitution applies equally to everyone in every part of Namibia.</i>
ii	<i>means that the government of Namibia does not represent any particular religion.</i>
iii	<i>means that Namibia is an independent nation.</i>
iv	<i>a state or society governed by one person with absolute power.</i>
v	<i>means that power rests in the hands of the people of Namibia, who elect the government.</i>
vi	<i>a social system or system of government in which people with scientific or technical knowledge have a lot of power and influence</i>

[4]

**QUESTION 7**

The current Water Resources Management Act dated 2013 has never been brought into action, leaving the Water Act No 54 of 1956 in force.

Describe the approval process which the proposed law must follow to ensure the implementation of the modern, up-to-date act. (10)

[10]



**QUESTION 8**

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

- A] Identify any three of the principles of spatial planning as stipulated in the Urban and Regional Planning Act. (4)

**OR**

- B] Explain the following statement concerning the Communal Land Reform Act: "We say that communal land vests in the State". (4)

**[4]**

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**QUESTION 9**

Report the functions of the Urban and Regional Planning Board. (7)

**[7]**

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**QUESTION 10**

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

- A] Identify step-by-step the submission and approval process of a township establishment application, as stipulated in the act within an Authorised Planning Authority. The application is in accordance with the relevant forward planning document. Match the correct steps (Step 1 to Step 8) with the descriptions provided. (8)





<i>For ex.</i>	<i>For ex.</i>
<b>Step 13</b>	<b>Submit with the XY-Committee.</b>
<b>STEP</b>	<b>DESCRIPTION</b>
	The Chief Executive Officer informs in writing the applicant and every person who lodged written objections of the Council’s decision
	Follow a Hearing procedure, if written objections were received
	The Council of the APA will decide to approve (with or without conditions) or not approve the application.
	The Hearing Committee makes a recommendation to the APA Council
	Appeal/s can be submitted, against the decision, with the Minister of MURD
	Request the applicant to give notice of the application to the prescribed persons and the general public
	Lodge complete application with Chief Executive Officer of APA
	Advertise in the Gazette and newspapers; display a notice on-site and on notice board at APA and notify the neighbours



**OR**

- B] Identify step-by-step the submission and approval process of an application, for a township extension for a settlement in a regional council’s jurisdiction area. Match the correct steps (Step 1 to Step 8) with the descriptions provided. (8)

<i>For ex.</i>	<i>For ex.</i>
<b>Step 13</b>	<b>Submit with the XY-Committee.</b>
<b>STEP</b>	<b>DESCRIPTION</b>
	Once the date for objections expired the Board must hold a hearing which is open to the public, the applicant and the person/s who lodged objections.
	The Permanent Secretary will forward the application and documents to the Board.
	The Board may recommend (in a report containing its recommendations) to the Minister to approve (with or without conditions) or not approve the application.
	The application must be lodged by the owner of the land in question or a person authorised in writing by the owner.
	On receipt of the application the Board must give notice of the application to the prescribed persons and the general public.
	The written and complete application must notify the regional council, in whose area of jurisdiction the land is situated, of the proposed application and request written comments and objections.
	The Minister informs in writing the applicant of the approval or the decision not to approve. In the case of an approval the minister must also inform in writing every person who lodged an objection and the regional council.
	The application must be lodged with the Permanent Secretary and accompanied by proof of notice and the regional council’s written comment and objections.

**[8]**



**QUESTION 11**

In the article "Women and Communal Land: Issues to Consider" of 4 October 2018 (The Namibian) various examples are mentioned of unequal treatment of female applicants for communal land rights.

Describe two of the examples mentioned in the article. (4)

[4]

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**QUESTION 12**

Read through the article "Namibia: Headman Blamed for Olukonda Land Saga" by Marx Itamalo (The Namibian 25/08/2016)

There was a war of words at a meeting of the Ondonga traditional councillors and community members on Monday at Olukonda to resolve a dispute over land between the Elcin parish and Oniipa mayor Manneljies Kambonde.

The two parties, whose properties are adjacent to each other, are claiming the same piece of land.

At the meeting, headman Petrus Awene was criticised for allegedly having given the land in question to Kambonde and then later to the church, thereby creating the dispute.

When asked by senior councillor Lot Kasamane if he had ever given the piece of land to Kambonde, Awene denied doing so. He also denied having given Kambonde any documentary proof of ownership of any land in the village.

Kambonde, however, produced a paper proving his ownership of the land, which was signed and stamped by Awene. Some traditional councillors then bombarded Awene with questions.

"Those are the things. If you had acted responsibly, we would not be here being exposed to the sun," Kasamane charged. "How can you say you did not give him land or a letter of ownership while he has it," he asked.

He said Ondonga headmen are guided by regulations that need to be followed when allocating land.

Headman Awene and his deputy and right hand man Gerharrrd Abed however admitted later that they gave a letter of land ownership to Kambonde, but that it is only for the portion where his house is being built, not for the land in dispute.

They said the land Kambonde has fenced off is not his.



"He has taken it on his own. Nobody gave it to him," Awene said.

Abed, also said to be responsible for giving land, said he did not give Kambonde any land. He stresses that the land which Kambonde has fenced off is not his.

Kambonde was adamant the paper is proof of ownership of land given to him in 2013. He claimed the church does not legally own the land as it does not have any document proving it.

After much deliberations, amid accusations and counter-accusations, the meeting almost reached a deadlock and some attendees suggested both Kambonde and the church be stripped of the land and be ordered to remove their fences.

However, some felt it was unfair for Kambonde to lose his piece of land after telling the gathering that he is a victim of a smear campaign by some community members whom he accused of wanting to ruin his political career.

He said that he had lost already six plots around the Onethindi settlement in a similar fashion that were taken from him. The meeting resolved that Kambonde will keep his land.

Contacted for comment Kambonde said though his image was tainted by the saga, he held no grudges against the church or the traditional authority.

"I remain a humble and committed to my community. I am happy the misunderstanding was ironed out today in a traditional council meeting which was attended by the rest of the community. My position of ownership was restored. Advanced age on the part of my seniors was to blame," he said.

The dispute started last month when the church erected poles on a piece of land near Kambonde's house. Two days later, Kambonde put up poles of his own claiming the church had erected poles on his land.

The church said the land was given to them by the headman of the Olukonda village and Kambonde advanced a similar claim.

**Source: Namibian, 25 August 2016, <http://allafrica.com/stories/201608260641.html>**

Answer the following questions:

- a) Identify the right or tenure which, according to the information included in the article, was allocated to M Kambonde. (1)
  - b) Describe briefly the approval process for the allocation of this right or tenure, according to the answer provided in 12(a) above. (3)
  - c) Recommend, in your capacity as a representative of the Communal Land Board, a suggestion to the traditional councilors at the meeting in order to deal with this issue. (2)
- [6]**





**QUESTION 13**

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. (6)

[6]

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**QUESTION 14**

- a) Identify in which two instances expropriation of communal land can take place, according to the Compensation Policy Guidelines for Communal Land. (2)
- b) Define the term “expropriation”. (2)
- c) Describe the compensation option available to the affected landowner (of land larger than 500m<sup>2</sup>), who chooses the Money and Erven option. The landowner indicated that he/she is not interested in alternative land for farming purposes. (8)
- d) State what happens to the customary land right, if the person to whom the right was allocated dies? (2)

[14]

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**QUESTION 15**

Describe the Individual holding type, one of the models of the current National Resettlement Policy. (3)

[3]

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**QUESTION 16**

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

- A] Describe the **Moderate Economic Value Model** in terms of the following subtopics: The target group, The objectives of the model, Detail of the land entities, Maximum size, Tenure and Probation and Purchase Cost. (8)

**OR**

- B] Describe the **Low Economic Value Model** in terms of the following subtopics: The target group, The objectives of the model, Detail of the land entities, Maximum size, Tenure and Implementation Cost. (8)

[8]

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**TOTAL**

**[100]**



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