



FACULTY	FACULTY OF LAW		
DEPARTMENT	DEPARTMENT OF PRIVATE AND PROCEDURAL LAW		
SUBJECT	LAND AND ENVIRONMENTAL DISPUTE RESOLUTION		
SUBJECT CODE	LGLE 2512		
DATE	NOVEMBER EXAMINATIONS 2018		
DURATION	THREE HOURS	MARKS	100

SPECIAL/SUPPLEMENTARY EXAMINATIONS

Examiner: Prof SK Amoo

Moderator: PROF EK QUANSAH

This question paper consists of FOUR pages including the cover page and SEVEN questions

Instructions

- 1. Candidates must answer ANY FOUR QUESTIONS IN ALL, CHOOSING TWO (2) QUESTIONS FROM EACH SECTION.**
- 2. Unless otherwise stated, each question carries 25 marks.**

UNIVERSITY OF NAMIBIA EXAMINATIONS

UNIVERSITY OF NAMIBIA
FACULTY OF LAW
DIPLOMA IN ARBITRATION AND DISPUTE RESOLUTION
LAND AND ENVIRONMENTAL DISPUTE RESOLUTION
LJLE 2512

(SUPPLEMENTARY/SPECIAL EXAMINATIONS)

DATE: DECEMBER 2018

INSTRUCTIONS.

TIME: THREE HOURS

ANSWER ANY FOUR (4) QUESTIONS CHOOSING AT LEAST TWO (2) FROM EACH SECTION. UNLESS OTHERWISE STATED, EACH QUESTION CARRIES 25 MARKS.

SECTION A

Question 1

Discuss the relevance of Article 16(2) of the Namibian Constitution indicating the protection given to the individual whose property is affected by the right given to the State to expropriate private property under both international law and the laws of Namibia.

[25 Marks]

Question 2

Write a memorandum to the Permanent Secretary of the Ministry of Lands and Resettlement setting out the principles regulating the fencing of communal land. [25 Marks]

Question 3

Discuss the laws used by the Government of the Republic of Namibia to implement its land reform strategies. [25 Marks]

Question 4

Discuss the relevant provisions of any three pieces of legislation governing the criminal aspects of environmental law in Namibia.

SECTION B

Question 5

John and Natasha have occupied a piece of communal land for a considerable period of time and sometime last year John and Natasha entered into an agreement for the sale and transfer of the land to Chou. The purchase price was paid but transfer was not effected. Earlier this year, the area where the communal land is situated was proclaimed a town under the provisions of the Local Authorities Act 23 of 1992 and following such declaration this same piece of land has been alienated to Angula. Chou claims ownership of the property and argues that he is vested with an absolute right over the property. Angula disputes these claims arguing that he is rightful owner of the property.

Advise Chou as to his rights, and possible remedies, if any, available to him against John, Natasha and Angula

[25 Marks]

Question 6

Nangula lives opposite a new shopping complex that has been completed recently in the Soweto area of Katutura. She is very angry and upset. She tells you that Kwasakwa Music Warehouse, which has opened for business in the shopping complex, has placed two speakers outside its front door on the pavement area. Music is played every day through these speakers from early in the morning (7:30 am) until it closes its doors at 9:00pm. The music played is very modern and Nangula, a retired piano teacher and a devout Christian, just cannot tolerate it. She informs you that even at the back of her house with all the doors and windows closed, the music is uncomfortably loud. Nangula's neighbours confirm that this is the case and that one can actually feel the vibrations from the music if one is standing in her house. In fact, Nangula tells you that the vibrations have resulted in four of her very valuable pots she inherited from her late grandmother falling off the side table and breaking.

As Nangula's lawyer, advise her of her legal rights and remedies in the circumstances. Refer to the appropriate case authority in your answer.

[25 Marks]

Question 7

✓ Enoch and Sam are the respective owners of two adjacent farms. Two months ago they concluded an agreement in terms of which Enoch granted to Sam the right of way over Enoch's farm. Last week, Enoch sold his farm to Joseph without informing Sam. The sale took place before registration of the agreement between Enoch and Sam in the title deeds of the properties. *In the Deeds Registry*

Joseph, who has purchased Enoch's property, now refuses to grant Sam the access over his (Joseph's) farm to the highway.

What remedies, if any, are available to Sam?