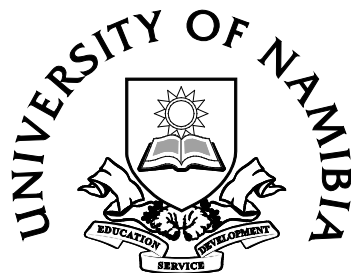

FACULTY PROSPECTUS 2011

FACULTY OF LAW



— Inspiring minds & shaping the future —

NOTE

Regulations and curricula for 2011 may be amended. General regulations and information appear in the **General Information and Regulations Prospectus**.

Although the information contained in this Faculty Prospectus has been compiled as accurately as possible, Council and Senate accept no responsibility for any errors and omissions which may occur. The University retains the right to amend any regulation or condition without prior notice.

The information is correct up to 31 October 2010.

The fact that particulars of a specific course or field of study have been included in this Faculty Prospectus does not necessarily mean that such course or field of study will be offered in 2011 or any consecutive year.

This Faculty Prospectus must be read in conjunction with the **General Information and Regulations Prospectus**.

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**MR F NGHIISHILILWA
ACTING DEAN**



**MR F BANGAMWABO
ACTING DEPUTY DEAN**



**MS D DAVIES
FACULTY OFFICER**

FACULTY PREAMBLE

The provision of facilities for legal education was one of the strong recommendations in the Turner Report (Higher Education in Namibia: Report of a Presidential Commission, Windhoek 1991), which stated, *inter alia*:

"We have been impressed by the argument that in Namibia, law is a developmental subject; much of the current legal system was distorted by the tenets of apartheid. Although the ideology is now outlawed by the Constitution, a massive effort is needed to revise the legal system to make it a suitable expression of the Constitution." (p 100)

In evaluating the Turner Report (which, despite the quoted view, opted for a two - step - approach according to which a faculty was to succeed a department after a period of consolidation), the Joint Technical Committee under the then Vice Chancellor - Designate, Prof. PH Katjavivi, proposed to the Cabinet of the Republic of Namibia the establishment of a faculty of law from the outset. The Cabinet approved the establishment of a faculty on 19 November 1991.

The year 1992 became the year of planning; the year 1993 the year of implementation. The Law Faculty Sub-Committee of the Office of the Vice Chancellor - Designate was put in place. It was chaired by the Founding Dean of the Faculty, late Prof. WJ Kamba. The late Adv. FJ Kozonguizi, Ombudsman of Namibia, functioned as its convener. The membership covered a broad spectrum, having representatives from all walks of the legal fraternity.

The deliberations of the Sub-Committee led to a comprehensive report on how the future faculty should be shaped. After consultations with national and international experts, the report was eventually submitted to the Vice Chancellor of the UNAM and approved for implementation by the University by the end of 1992.

Apart from the LL B component, the Report also dealt with other components of the proposed Faculty. It contained recommendations on what developed into two separate centres of the Faculty, the Justice Training Centre (JTC) and the Human Rights and Documentation Centre (HRDC). Both centres were created by way of contractual agreements between the Ministry of Justice and the UNAM. The Faculty started its preparatory work in early 1993 and admitted its first students in January 1994.

The formal launch of the JTC took place on 20 September 1993; the HRDC was launched on the occasion of the workshop on "Human Rights Education and Advocacy in the 1990s" which was held in May 1993. The Faculty of Law was officially inaugurated by the Chancellor of the UNAM, His Excellency President Dr SS Nujoma, on 18 February 1994.

The Legal Department of the Centre for Applied Social Sciences (CASS) was affiliated to the Faculty of Law of the UNAM with effect from January 1994. The main aim of the affiliation was to make the services of CASS, in terms of generating legal research and providing technical assistance (mainly in customary, but also in other areas of law), available to the Faculty of Law.

Departments of Public Law and Jurisprudence, Private and Procedural Law, and Commercial Law were established in 2000. The JTC and the HRDC have the status of departments. The Director of the JTC and the Director of the HRDC are, thus, *ex-officio* members of the Senate.

After two years of experience with the curriculum of the degree of LL B, a curriculum revision took place. It led to a new degree structure with the degree of B Juris after three years of studies and the degree of LL B after two additional years. The first students of the Faculty completed the B Juris at the end of 1996 and the LL B programme in 1998.

The B Juris qualifies the holder to employment, after the appropriate practical preparation, into the magistracy, the prosecution service (in the lower courts) and into those areas that do not require a full legal professional qualification. For entry into full membership of the legal profession and the practice of law in Namibia in terms of the Legal Practitioners, Act 15 of 1995, the LL B degree is a prerequisite.

The JTC of the Faculty offers practical legal courses to candidate legal practitioners. The JTC examinations are conducted under the supervision of the Legal Education Board as part of the requirements for admission for practicing law.

Post-graduate programmes with two offers to obtain the degree of LL M in Economic Law and the Law of Criminal Justice have been offered from 2000 and phased out at the end of the 2005 academic year. As from the 2006 academic year the Faculty offers the Master of Laws by research only in any area of law.

ACADEMIC CALENDAR 2011

FIRST SEMESTER

10 January	University opens
20 January	Academic staff resumes office duties
31 January - 18 Feb	Registration (Last day for Late Reg: 23 Febr)
21 February	Lectures commence for FIRST SEMESTER
26 April	EASTER BREAK starts
03 May	Institutional Holiday
05 May	Lectures resume after Easter Break
10 June	Lectures end for FIRST SEMESTER
14 June	First Opportunity Examinations commence (Semester I modules)
01 July	First Opportunity Examinations end (Semester I modules)
01 July	End of 1st Semester
11 – 15 July	Mid-year Recess

SECOND SEMESTER

25 July	Lectures commence for SECOND SEMESTER
12 September	SPRING BREAK starts
19 September	Lectures resume after Spring Break
04 November	Lectures end for SECOND SEMESTER
08 November	First Opportunity Examinations commence (Sem II & Double modules)
25 November	First Opportunity Examinations end (Sem II & Double modules)
25 November	End of 2nd Semester
13 December	Academic Year ends & University closes (until 09 January 2012)
09 January 2012	University opens (2012 academic year)
10 January 2012	Second Opportunity Exams commence (Sem I, II & Double modules)
19 January 2012	Academic staff resumes office duties
26 January 2012	Second Opportunity Examinations end (Sem I, II & Double modules)

DUE DATES FOR THE 2010 ACADEMIC YEAR

(i)	GENERAL	
	Last day for application of retention of continuous assessment mark	18 February
	Last day for application for exemption(s)	18 February
	Last day for Late Registration (<i>Late fee payable</i>)	23 February
	Last day for approval of exemption(s)	23 February
	Last day for approval of retention of continuous assessment mark	23 February
	Last day for approval of module(s) & qualification changes	23 February
	Last day to change Examination Centres at Regional Centres (Semester I modules)	29 April
	Last day for appeals (First Opportunity Examinations) (Semester I)	29 July
	Last day to submit outstanding documentation	19 August
	Last day to change Examination Centres at Regional Centres (Semester II modules – 1 st & 2 nd Opportunity Examinations)	23 Sept
	Last day to cancel enrolment	30 Sept
	Last day for submission of Theses and Dissertations for examination	18 Nov
(ii)	CANCELLATIONS	
	<u>Semester I modules</u>	
	Last day to cancel Semester I modules	06 May
	<u>Semester II modules</u>	
	Last day to cancel Semester II modules	30 Sept
	<u>Double modules</u> (A double module normally extends over one academic year)	
	Last day to cancel Double modules	30 Sept
(iii)	FINANCE	
	<u>Semester I modules</u>	
	Last day to cancel with 100 % credit	11 March
	Last day to cancel with 50 % credit	20 April
	<u>Semester II modules</u>	
	Last day to cancel with 100 % credit	05 August
	Last day to cancel with 50 % credit	02 Sept
	<u>Double modules</u> (a double module normally extends over one academic year)	
	Last day to cancel with 100 % credit	11 March
	Last day to cancel with 50 % credit	03 June

STRUCTURE AND PERSONNEL

OFFICE OF THE DEAN

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Acting Dean: Mr F Nghiishililwa: LL B; LL M (Warwick)
Acting Deputy Dean: Mr F Bangamwabo: LL B (Zimbabwe); LL M (Ireland); Registered Attorney with the High Court of Zimbabwe.
Faculty Officer: Ms D Davies: Nat Dipl (Public Admin) (Polytech of Namiiba); B Tech (Public Management) (UNISA)
Acting Faculty Librarian: Mr K Kahengua
Faculty Secretary: Ms A Husselmann

General enquiries regarding the Faculty of Law and the qualifications offered by the Faculty should be directed to:

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Faculty of Law
University of Namibia
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ACADEMIC DEPARTMENTS

DEPARTMENT OF COMMERCIAL LAW

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Acting Head of Department and Senior Lecturer: Mr F Nghiishililwa: LL B; LL M (Warwick)
Full Professor: Prof J Baloro: LL.B (Hons) (Univ. of Ghana); LLM (Univ. of Temple); PhD (Univ. of London); Barrister- at law and Solicitor of the Supreme Court of Ghana.
Lecturer: Mr F Bangamwabo: LL B (Zimbabwe); LL M (Ireland); Registered Attorney with the High Court of Zimbabwe.
J Nakuta: LL B (UNISA); LL M (Utrecht-Netherlands)
Ms E Namwoonde: B Juris, LL B, LL M (UNAM)
Ms LPK Nuugwedha: BA, HED (Exempt), B Ed (PG) (Univ. of Fort Hare; BA (Hon), DEAL, M Ed, B Juris, LL B (UNAM); Legal Practitioner of the High Court of Namibia
Junior Lecturer: Mr C Kavendji: B Juris, LL B (UNAM); Legal Practitioner of the High Court of Namibia
Part-time Lecturers: Mr T Davies: B Juris, LL B (UNAM); Legal Practitioner of the High Court of Namibia

DEPARTMENT OF PRIVATE AND PROCEDURAL LAW

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Head of Department and Senior Lecturer: Mr SK Amoo: BA (Legon); LL B (Zambia); LL M (Toronto); Advocate of the Supreme Court of Zambia; Advocate of the High Court of Namibia
Associate Professor: Prof N Horn: B Proc (Univ. Johannesburg); LL M (UNISA); B Th (Hons) (UNISA); MA (Nelson Mandela Metropolitan University); PhD (UWC); Legal Practitioner of the High Court of Namibia
Lecturer: Mr F Bangamwabo: LL B (Zimbabwe); LL M (Ireland); Registered Attorney with the High Court of Zimbabwe.
Ms Y Dausab: BA Law; LL B (UWC); LL M (Pretoria)
Ms LPK Nuugwedha: BA, HED (Exempt), B Ed (PG) (Univ. of Fort Hare; BA (Hon), DEAL, M Ed, B Juris, LL B (UNAM); Legal Practitioner of the High Court of Namibia
Ms I Skeffers: B Juris, LL B, LL M (UNAM)
Junior Lecturer: Mr C Kavendji: B Juris; LL B (UNAM); Legal Practitioner of the High Court of Namibia
Part-time Lecturers: Mr T Namiseb: BA; LL B (UCT); Legal Practitioner of the High Court of Namibia
Ms T Pearson: B Comm (Law), LL B (Univ. of Stellenbosch); Legal Practitioner of the High Court of Namibia; Legal Practitioner of the Supreme Court of Namibia; Notice Public; Conveyancer

DEPARTMENT PUBLIC LAW & JURISPRUDENCE

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Head of Department and Lecturer: Mr J Nakuta: LL B (UNISA); LL M (Utrecht-Netherlands)
Associate Professor: Prof N Horn: B Proc (Univ. Johannesburg); LL M (UNISA); B Th (Hons) (UNISA); MA (Nelson Mandela Metropolitan University); PhD (UWC); Legal Practitioner of the High Court of Namibia
Senior Lecturers: Mr SK Amoo: BA (Legon); LL B (Zambia); LL M (Toronto); Advocate of the Supreme Court of Zambia; Advocate of the High Court of Namibia
Mr F Nghiishililwa: LL B; LL M (Warwick)
Lecturer: Mr F Bangamwabo: LL B (Zimbabwe); LL M (Ireland); Registered Attorney with the High Court of Zimbabwe.
Ms LPK Nuugwedha: BA, HED (Exempt), B Ed (PG) (Univ. of Fort Hare; BA (Hon), DEAL, M Ed, B Juris, LL B (UNAM); Legal Practitioner of the High Court of Namibia
Junior Lecturer: Mr C Kavendji: B Juris; LL B (UNAM); Legal Practitioner of the High Court of Namibia
Part-time Lecturers: Prof. MO Hinz: 1st Ex Law; 2nd St Ex Law; PhD (Mainz); Habil Law (Mainz, Bremen)
Mr L Karsten: BA, LL B (Univ of Potchefstroom); Legal Practitioner of the High Court of Namibia
Ms M Smith: BA; BA (Hons) (UNISA)

The modules offered in the different programmes in the Faculty have been arranged in the departments in the following manner:

- **The Department Commercial Law comprises:** Accountancy for Lawyers; Basic Arbitration; Basic Mediation; Commercial Law; Company Law; Credit Agreements; Insurance Law; Labour Law; Law of Associations; Law of Contract; Law of Insolvency; Maritime Law; Negotiable Instruments; Negotiation and Conciliation; Tax Law.
- **The Department Private and Procedural Law comprises:** Civil Procedure; Conveyancing and Notarial Practice; Criminal Procedure I & II; Family Law; Law of Delict; Law of Evidence; Law of Persons; Law of Property; Law of Succession; Practical Legal Studies; Legal Aid Clinic; Private International Law.
- **The Department Public Law and Jurisprudence comprises:** Administrative Law; Comparative Law; Constitutional Law; Criminal Law I & II; Criminology & Crime Prevention; Customary Law I, II, III & IV; Environmental Law; Gender Law; Human Rights Law; International Economic Law; Introduction to Law; Jurisprudence; LL B Dissertation; Public International Law; Public Law Aspects of International Trade; Statutory Interpretation.

The Departments function as co-coordinating units for the teaching of the modules arranged in the three Departments. **Students are requested to approach Heads of Departments in case of complaints and inquiries.**

FACULTY CENTRES

JUSTICE TRAINING CENTRE (JTC)

Acting Director and Associate Professor: Prof N Horn: B Proc (Univ. Johannesburg); LL M (UNISA); B Th (Hons) (UNISA); MA (Nelson Mandela Metropolitan University); PhD (UWC); Legal Practitioner of the High Court of Namibia

Office Administrator JTC: Ms C Klazen

Lecturer: Vacant

Part-time Lecturers: Adv N Bassingthwaite: B Juris, LLC. (UNAM); Practising Advocate in the High Court.
Mr BD Basson: B Proc, LL B (Univ Natal); MBA, Certificate in Dispute Resolution (USA)
Adv W Boesak: LL B (Univ Natal); LL M (Univ Dundee-UK); Practising Advocate in the High Court
Ms Y Dausab: BA Law; LL B (UWC); LL M (Pretoria)
Mr A de Kock: CA (SA)
Ms R Gomachas: B Juris (UNAM); LL B (UNAM); Practising Legal Practitioner
Ms D Hans-Kaumbi: B Juris (UNAM); LL B (UNAM); Practising Legal Practitioner
Mr K Kangueehi BA; LL B; PGD Tax Law (UCT); Legal Practitioner of the High Court of Namibia
Mr T Taylor: Master of the High Court of Namibia
Ms E Thompson: BA, LL B (UCT); Practising Legal Practitioner
Mr E H Yssel: BA; LL B (Stellenbosch)
Adv V Ya Toivo

HUMAN RIGHTS AND DOCUMENTATION CENTRE (HRDC)

Acting Director: Mr J Nakuta: LL B (UNISA); LL M (Utrecht-Netherlands)

UNESCO Chair for Human Rights and Democracy: Prof MO Hinz: 1st Ex Law; 2 St Ex Law; PhD (Mainz); Habil Law (Mainz, Bremen)

Senior Documentalist: Ms C Mchombu: BA (Accounting & Pub Admin); MA (Library & Info Studies) (Botswana); Part Time Lecturer- Depart of Information and Communication

Administrative Office: Ms I Tjilale: Dip. Public Administration (Polytechnic of Namibia); B.Tech (UNISA)

A. QUALIFICATIONS OFFERED BY THE FACULTY

A.1 CERTIFICATE PROGRAMMES

The Faculty may award the following certificates:

Specialised Certificate in Customary Law (CCUL)	16CCUL
Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation)	16CMAC
Certificate in Criminal Justice, Constitutionalism and Human Rights (NOT OPEN FOR THE PUBLIC – OFFERED FOR EMPLOYEES OF LAW ENFORCEMENT AGENCIES)	16CCCH
Certificate in Parliamentary Practice and Conduct (NOT OPEN FOR THE PUBLIC – OFFERED EXCLUSIVELY FOR PARLIAMENTARIANS)	16CPPC

A.2 DEGREE PROGRAMMES

The Faculty may award the following degrees:

Baccalaureus Juris (B Juris)	16BIUR
Bachelor of Laws (LL B)	16BLAW

A.3 POSTGRADUATE PROGRAMMES

The Faculty may award the following postgraduate qualifications:

Master of Laws (by Research only) (LL M)	16MLAW
Doctor of Philosophy in Law (Ph D)	16DPLA

B. GENERAL REGULATIONS PERTAINING TO UNDERGRADUATE STUDIES IN THE FACULTY

These Regulations should be read in conjunction with and subject to the **General Information and Regulations Prospectus**.

B.1 MODULES, CREDITS AND CONTACT HOURS

- B.1.1 One contact hour is equivalent to one (1) lecture period on the timetable of the Faculty of Law
- B.1.2 A **double module** carries 32 credits and is taught at four (4) contact hours per week over the full academic year (both semesters), i.e. 112 contact hours per academic year. A double module is equivalent to two (2) modules.
- B.1.3 A **full module** carries 16 credits and is either taught at four (4) contact hours per week over one semester, i.e. 56 contact hours per semester OR at two (2) contact hours per week over the full academic year (both semesters), i.e. also 56 contact hours per academic year.
- B.1.4 A **half module** carries 8 credits and is taught at two (2) contact hours per week over one semester, i.e. 28 contact hours per semester. A half module is equivalent to one half (0.5) of a full module.

B.2 CLASS ATTENDANCE

- B.2.1 In order to be admitted to examinations, students are required to attend at least 80% of the lectures and to complete the required elements that make up the continuous assessment mark. Refer to the **General Information and Regulations Prospectus**.

B.3 EXEMPTIONS

- B.3.1 Students are required to adhere to the deadline dates for application of exemptions as stipulated on Page VIII(i) of this prospectus. Also refer to the **General Information and Regulations Prospectus** "Recognition of modules passed at other institutions".
- B.3.2 Students from another institution who has not completed a degree/diploma/certificate and who wants to enroll for a study course at the University of Namibia, will only be entitled to exemption of a maximum of 50% of the modules contained in the curriculum of a UNAM study course.

B.4 EXAMINATION REGULATIONS

- B.4.1 Continuous assessment and examinations will be conducted in line with the University's general examination regulations as outlined in of the **General Information and Regulations Prospectus** and subject to Faculty special regulations.
- B.4.2 To qualify for examination admission in a module,
- students should have completed all the required elements that make up the continuous assessment mark.
 - students should have attained at least 40% in the continuous assessment component, unless otherwise approved by Senate.
- B.4.3 If a student has not been admitted to the examination in a particular module, but enters the relevant examination and sits for the paper(s), his/her results in that paper(s) will be declared null and void.
- B.4.4 In order to pass a module, a student must obtain a final mark of at least 50%, which consists of the continuous assessment mark and examination mark. Consult the relevant module descriptors to determine the weighing of these components in the calculation of the final mark.
- B.4.5 A student cannot pass a module with an examination mark of less than 40%, regardless of the value and weight of the continuous assessment mark in that module.

Please read this section in conjunction with the general examination regulations as outlined in of the **General Information and Regulations Prospectus**, which contains detailed information regarding continuous assessment, examinations and promotion criteria.

C. SPECIALISED CERTIFICATE IN CUSTOMARY LAW (CCUL) – FULL TIME (16CCUL)

C.1 ADMISSION

C.1.1 Admission to the Specialised Certificate in Customary Law shall be open to all students who have successfully completed the degree of B Juris.

C.2 DURATION OF STUDY

C.2.1 The Specialised Certificate in Customary Law extends over a period of at least one (1) academic year.

C.2.2 The Specialised Certificate in Customary Law must be completed within two (2) years of study.

C.2.3 The said periods may only be exceeded with the authority of Senate.

C.3 CURRICULUM COMPILATION

The curriculum for the Specialised Certificate in Customary Law is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours	Credits
1	Internship and Internship Report	LJIR 4819	Semester 2	8	56	16
1	Specialised Certificate Research Paper	LJRP 4810	Semester 1 & 2	8	112	32
	TOTAL CREDITS:					48

C.4 EXAMINATION REGULATIONS

See **General Information and Regulations Prospectus** for Special Regulations.

Furthermore, Regulation K.9.6.1 of the Faculty of Law for marking LL B Dissertations shall apply i.e:

To ensure maximum consistency of marking across different supervisors, the following shall be taken into account:

- theoretical and methodological clarity,
- originality of arguments,
- quality and synthesis of research,
- quantity of research,
- orderly nature of presentation,
- footnotes, bibliography, language use, and
- overall quality.

C.5 ACADEMIC ADVANCEMENT RULES

A student who failed in obtaining the necessary marks in the internship and/or the research paper shall be allowed to repeat the failed part once, otherwise the following regulations will apply:

C.5.1 LATE SUBMISSION, FAILURE OF SUBMISSION, FAILURE OF PASS MARK

C.5.1.1 A student may not proceed to the next stage without submitting a document required at an early stage, e.g. a student cannot proceed to the first draft without submitting a detailed proposal. Failure to submit the draft research paper or the main research paper shall mean the student will have failed the course.

C.5.1.2 Supervisors may at their discretion and in consultation with the co-ordinator give reasonable extensions (not more than 7 days in each case) in deserving cases. The supervisor shall, at each stage, ensure that the students supervised by him/her submit documents on the required dates and also ensure that where extensions are granted, students adhere to the period of the extensions.

C.5.1.3 If the late or non-submission is the result of illness or some other excusable cause a student shall be required to substantiate it with medical or other satisfactory evidence.

C.5.1.4 Subject to Rule C.2 (Duration of Study) of the Faculty of Law, a student who received a mark of less than 50% and more than 44% for his/her Research Paper shall be allowed to re-register for the Research Paper in the following academic year and to submit an amended version of his/her original Research Paper within four months.

- C.5.1.5 A student who received a mark of 44% or less in his/her original Research Paper shall be allowed to re-register for Research Paper and to proceed as stipulated in these Regulations and the Rules of the Faculty concerning failure of courses.
- C.5.1.6 A student who fails to obtain a pass mark in his/her amended version of his/her Research Paper shall be allowed to proceed with Research Paper and to submit a Research Paper on a different subject in accordance with the LL B Dissertation Regulations before the end of the respective academic year.

C.6 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

- C.6.1 The maximum duration of study for the Specialised Certificate in Customary Law is two (2) years after which a student will not be re-admitted into the Faculty of Law for this specific course of study.

C.7 AWARDING OF THE SPECIALISED CERTIFICATE IN CUSTOMARY LAW

- C.7.1 A student shall be awarded the Specialized Certificate in Customary Law if he/she passed all prescribed modules.

C.8 MODULE DESCRIPTORS

C.8.1 Module Title: INTERNSHIP AND INTERNSHIP REPORT

Module Code: LJIR 4819

NQF level: 8

Contact hours: Equivalent to four contact periods per week lectures; one to three weeks internship

Credits: 16

Module assessment: Internship Report with a minimum of 5,000 but not exceeding 7,000 words (excluding footnotes) in length contributes hundred percent (100%) to the final mark.

Examination: No additional examination is required.

Pre-requisite: Completion of the degree of B Juris

Module description: The module prepares the student enrolled for the Specialized Certificate in Customary Law for the required internship with a traditional authority and recaptures aspects of empirical field work as taught in Customary Law II (LJCU 3602). The expected internship with a traditional authority should last between one and three weeks depending on the circumstances and subject to discretion of the lecturer.

C.8.2 Module Title: SPECIALIZED CERTIFICATE RESEARCH PAPER

Module Code: LJRP 4810

NQF level: 8

Contact hours: Equivalent to four contact periods per week lectures – 28 weeks

Credits: 32

Module assessment: Research paper with a minimum of 7,000 but not exceeding 10,000 words (excluding footnotes) in length contributes hundred percent (100%) to the final mark.

Examination: No additional examination will be required.

Pre-requisite: Completion of the degree of B Juris

Module description: The module accompanies the student enrolled for the Specialized Certificate in Customary Law in researching for and completing of the required research paper. (See C.4 of Faculty of Law Regulations)

D. CERTIFICATE IN DISPUTE RESOLUTION (MEDIATION, ARBITRATION AND CONCILIATION) – PART TIME (16CMAC)

D.1 ADMISSION

D.1.1 For admission to the Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation) general UNAM requirements apply, namely that the applicant holds a School Leaving Certificate i.e. Namibian Senior Secondary Certificate (NSSC) Ordinary or Higher Level or a recognized equivalent qualification. A student must obtain a minimum of 17 scores in five subjects according to UNAM rating with at least an E symbol in English as a Second Language or higher.

D.2 DURATION OF STUDY

D.2.1 The Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation) will be obtained after the successful completion of one semester study with one full module and four half modules (48 Credits) which are all compulsory modules.

D.3 TEACHING MODE

D.3.1 The Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation) will be offered on part time (evening classes).

D.4 CURRICULUM COMPILATION

The curriculum for the Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation) is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Weeks	Credits
ALL MODULES ARE COMPULSORY						
1	English Communication for Certificate Purposes	LCEC 1311	Semester 1	3	4/14	16
1	Labour Law	LCLA 1401	Semester 1	4	2/14	8
1	Negotiation and Conciliation	LCNC 1401	Semester 1	4	2/14	8
1	Basics Mediation	LCBM 1401	Semester 1	4	2/14	8
1	Basics Arbitration	LCBA 1401	Semester 1	4	2/14	8
TOTAL CREDITS:						48

D.5 EXAMINATION REGULATIONS

See **General Information and Regulations Prospectus** for Special Regulations.

D.6 ACADEMIC ADVANCEMENT RULES

D.6.1 A student who did not pass all the modules of the Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation) at the end of the semester, shall be eligible to repeat the modules failed provided that he/she has passed at least one (1) **full** module or two (2) **half** modules (16 credits) out of the prescribed modules (48 credits).

D.7 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

D.7.1 A student will not be re-admitted into the Faculty unless s/he passed at least one (1) **full** module or two (2) **half** modules (16 credits) out of the prescribed modules (48 credits) by the end of the first registration cycle.

D.7.2 A student may only register for a maximum of two times for this qualification after which no extension will be granted.

D.8 AWARDING OF THE CERTIFICATE IN DISPUTE RESOLUTION (MEDIATION, ARBITRATION AND CONCILIATION)

D.8.1 A student shall be awarded the Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation) if he/she passed all prescribed modules (48 credits).

D.9 MODULE DESCRIPTORS

D.9.1 Module Title: ENGLISH COMMUNICATION FOR CERTIFICATE PURPOSES

Module Code: LCEC 1311

NQF level: 3

Contact hours: Four hours per week lectures – 14 Weeks = 56 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisites: None

Module description: This module attempts to assist students to improve language proficiency regarding: reading comprehension, writing, speaking, listening and study skills in order for them to utilise English language at work or in study. Students are required to complete assignments and tests designed for the module. The main aim of the module is to communicate in English language.

D.9.2 Module Title: BASIC ARBITRATION

Module Code: LCBA 1401

NQF level: 4

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment (minimum one test and one assignment will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module deals with the basic approaches of arbitration, arbitration proceedings, evidence in arbitration, substantive jurisprudence in respect of interest and rights disputes, decision-making and award writing. The module includes a series of role plays in which candidates' skills in managing arbitration proceedings will be assessed.

D.9.3 Module Title: BASIC MEDIATION

Module Code: LCBM 1401

NQF level: 4

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module examines mediation from a multidisciplinary perspective, exploring how theories of communication, social psychology, sociology, political science, business management and legal studies can contribute to the understanding of mediation and its (legal) practice. Basic topics to be covered include inter alia:

- Understanding Conflict
- Dispute Resolution Methods
- Mediation and Negotiation

- Approaches to Mediation
- The Mediation Process
- Convening a Mediation
- Communication Skills
- Managing the Interaction
- Mediation and Justice
- Mediation and the Legal Profession
- Mediation and Litigation
- Legal areas of Mediation
- Intercultural and other fields of Mediation

D.9.4 Module Title: LABOUR LAW

Module Code: LCLA 1401

NQF level: 4

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module concentrates on labour law, labour economics, labour relations, and HR-Management. Generic principles and the scope of collective and individual labour law will be covered, also dealing with National and International labour law, including soft law in the form of codes and guidelines. Labour economics concentrates on issues as they affect the labour market, including a focus on the market, labour supply and demand, unemployment and wages. Within labour relations and human resource management basic concepts, comparative relations and developing trends will be discussed, as well as job grading, pay systems and performance management.

D.9.5 Module Title: NEGOTIATION AND CONCILIATION

Module Code: LCNC 1401

NQF level: 4

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment (minimum one test and one assignment will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module deals with the basics of conflict management, negotiation and conciliation skills. Definitions and the different approaches are covered with regard to negotiation and conciliation. The module also provides insights into positional and interest based bargaining, fact-finding and advisory awards. The course includes a series of role plays in which candidates' skills in managing conciliation proceedings will be assessed.

E. CERTIFICATE IN CRIMINAL JUSTICE, CONSTITUTIONALISM AND HUMAN RIGHTS (16CCCH)

NB: NOT OPEN FOR THE PUBLIC – ONLY OFFERED TO EMPLOYEES OF LAW ENFORCEMENT AGENCIES UPON REQUEST BY THE LATTER

E.1 ADMISSION

- E.1.1 For admission to the Certificate in Criminal Justice, Constitutionalism and Human Rights the candidate:
- should be in possession of a minimum Grade 10 certificate or any other equivalent qualification and should have five (5) years related working experience OR
 - be in possession of a Grade 12 certificate, with a minimum of 17 points in five subjects according to UNAM rating with at least an E symbol in English as a Second Language or higher.

E.2 DURATION

- E.2.1 The Certificate in Criminal Justice, Constitutionalism and Human Rights will extent over a period of 11 weeks with three hours of teaching in each of the seven (7) compulsory modules.

E.3 TEACHING MODE

- E.3.1 The Certificate in Criminal Justice, Constitutionalism and Human Rights will be offered full time.

E.4 CURRICULUM COMPILATION

The curriculum for the Certificate in Criminal Justice, Constitutionalism and Human Rights is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Weeks	Credits
1	English for Certificate Purp.(Compulsory)	LCEC 1311	Semester 1 or 2	3	4/11	16
1	Constitutional Law (Compulsory)	LJCS 1319	Semester 1 or 2	3	3/11	10
1	Criminal Law (Compulsory)	LJCR 1319	Semester 1 or 2	3	3/11	10
1	Criminal Procedure (Compulsory)	LPCP 1319	Semester 1 or 2	3	3/11	10
1	Administrative Law (Elective)	LJAD 1319	Semester 1 or 2	3	3/11	10
1	Customary Law (Elective)	LJCU 1319	Semester 1 or 2	3	3/11	10
1	Human Rights & Gender Law (Elective)	LJHG 1319	Semester 1 or 2	3	3/11	10
1	International Humanitarian Law (Elective)	LJLH 1319	Semester 1 or 2	3	3/11	10
1	International Refugee Law (Elective)	LJRL 1319	Semester 1 or 2	3	3/11	10
1	Legislative Drafting (Elective)	LPLD 1319	Semester 1 or 2	3	3/11	10
1	Military Law (Elective)	LJML 1319	Semester 1 or 2	3	3/11	10
1	Police Law (Elective)	LJPL 1319	Semester 1 or 2	3	3/11	10
1	Statutory Interpretation (Elective)	LJIS 1319	Semester 1 or 2	3	3/11	10
1	Taxes and Customs (Elective)	LCTC 1319	Semester 1 or 2	3	3/11	10
TOTAL CREDITS : English, 3 Compulsory and 3 Electives						76

E5 EXAMINATION REGULATIONS

- E.5.1 UNAM examination regulations apply, as stipulated in the **General Information and Regulations Prospectus**. The examination timetable will be handled administratively between the Faculty and the Examinations Department.

E.6 ACADEMIC ADVANCEMENT RULES

- E.6.1 A student who did not pass all the modules of the Certificate in Criminal Justice, Constitutionalism and Human Rights, shall be eligible to repeat the modules failed, provided that he/she has passed at least 32 credits out of the prescribed 76 credits.

E.7 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

- E.7.1 A student will not be re-admitted for the Certificate in Criminal Justice, Constitutionalism and Human Rights unless s/he passed at least 32 credits out of the prescribed compulsory 76 credits by the end of the first registration cycle.

E.7.2 A student may only register for a maximum of two times for this qualification after which no extension will be granted.

E.8 AWARDING OF THE CERTIFICATE IN CRIMINAL JUSTICE, CONSTITUTIONALISM AND HUMAN RIGHTS

E.8.1 A student shall be awarded the Certificate in Criminal Justice, Constitutionalism and Human Rights if he/she passed all prescribed modules (76 credits).

E.9 MODULE DESCRIPTORS

COMPULSORY MODULES:

E.9.1 Module Title: ENGLISH COMMUNICATION FOR CERTIFICATE PURPOSES

Module Code: LCEC 1311

NQF level: 3

Contact hours: Four hours per week lectures – 11 Weeks = 44 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisites: None

Module description: This module attempts to assist students to improve language proficiency regarding: reading comprehension, writing, speaking, listening and study skills in order for them to utilise English language at work or in study. Students are required to complete assignments and tests designed for the module. The main aim of the module is to communicate in English language.

E.9.2 Module Title: CONSTITUTIONAL LAW

Module Code: LJCS 1319

NQF level: 3

Credits: 10

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- History, development and drafting of the Namibian Constitution
- Constitutionalism, Democracy and the Rule of Law
- Supremacy of the Constitution
- Separation of Powers and Independence of the Judiciary
- State of Emergency
- Entrenchments of Rights
- Limitations of rights and freedoms

E.9.3 Module Title: CRIMINAL LAW

Module Code: LJCR 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will *inter alia* cover the following issues:

General Principles:

- The sources of criminal law;
- General principles of criminal liability: Compliance with definite elements of the crime, unlawfulness, culpability
- General defences: Consent, necessity, compulsion, obedience to orders, private defence, impossibility, *de minimis*, mistake of fact and mistake of law

Specific Offences:

- **Common Crimes:**
 - Crimes against the person: murder, culpable homicide and assault;
 - Crimes against property: theft, robbery and housebreaking;
- **Specific Crimes:**
 - Combating of Rape Act;
 - Anti Corruption Act
 - Combating of Domestic Violence Act

E.9.4 Module Title: CRIMINAL PROCEDURE

Module Code: LPCP 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module Description: The module will cover the following areas:

- Introduction
 - The Namibian legal system;
 - The Courts;
 - The role players (police, prosecutors, legal practitioners);
 - Roles of Attorney General , Prosecutor-General and Minister of Justice
- Pre-trial Process
 - Arrest
 - Bail
 - Charge Sheet
- Trial
 - Plea
 - State Case
 - Defence Case
 - Sentence
 - Appeal

ELECTIVES:

E.9.5 Module Title: ADMINISTRATIVE LAW

Module Code: LJAD 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- The nature, scope and sources of administrative law;
- Administrative law relations;
- Requirements for valid administrative action;
- The role of the Judiciary;
- State liability for administrative action;
- Regional and local government.

E.9.6 Module Title: CUSTOMARY LAW

Module Code: LJCU 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module introduces the basic principles of African customary law as the law governing the day-to-day affairs of the majority in Namibia and gives, in particular, an overview of:

- The factual situation of traditional communities in Namibia;
- The legal status of traditional communities, traditional courts and customary law; and
- The relevant legal provisions dealing with traditional authority and customary law with special reference to the interface between traditional authorities and agents of the state.

E.9.7 Module Title: HUMAN RIGHTS AND GENDER LAW

Module Code: LJHG 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 12

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description:

- Philosophy of human rights;
- History of Human Rights: Early developments;
- Post World War II Developments;
- Human Rights within the framework of the UN;
- Human Rights as part of International Law;
- Development of regional human rights instruments;
- International human rights instruments and domestic law;
- A selection of international instruments with special reference to instruments ratified by Namibia.
- The module will also introduce the concept and theory of gender in relation to the law; examine various legal issues of Namibian law as they relate to gender and cover *inter alia* sociological, psychological and legal aspects of gender.

E.9.8 Module Title: INTERNATIONAL HUMANITARIAN LAW**Module Code:** LJHL 1319**NQF level:** 3**Contact hours:** Three contact hours per week lectures – 11 weeks = 33 contact hours**Credits:** 10**Module Assessment:** Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None**Module Description:** During the course of the module, the following areas will be covered:

- The nature, scope and sources of humanitarian Law;
- The distinction between *jus ad bellum* & *jus in bello*;
- The Legality of war: the UN Charter System, the Nuremberg Tribunal and Principles, the International Court of Justice Jurisprudence;
- The Laws & Customs of war (the Hague law);
- The Geneva Conventions, 1949 and the 1977 two Additional Protocols to the Geneva Conventions;
- International & non-international armed conflicts;
- Self-determination and national liberation movements;
- Treatment of prisoners of war (PoW) and protection of civilians during the hostilities, the wounded, sick and shipwrecked,
- Rights and Duties of the Occupying Power; the Rights and Duties of neutrals;
- War crimes and grave breaches against international humanitarian law; Common article 3 to the Geneva Conventions, 1949;
- The *ad hoc* international criminal tribunals and the International Criminal Court.

E.9.9 Module Title: INTERNATIONAL REFUGEE LAW**Module Code:** LJRL 1319**NQF level:** 3**Contact hours:** Three contact hours per week lectures – 11 weeks = 33 contact hours**Credits:** 10**Module Assessment:** Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None**Module Description:** During the course of the module, the following areas will be covered:

- The nature, scope and sources of Public International Law;

- The nature, scope and sources of Refugee Law;
- The Definition of a Refugee in terms of both the Namibian and International Law
- Loss and Denial of Refugee Status and consequences thereto;
- The concept of “*Non-refoulement*”.
- The Namibian Asylum System: reception of asylum seekers in Namibia; procedure to apply for a refugee status in Namibia, appeals procedure; rights of recognized refugees and rejected applicants;
- The Incorporation of international refugee law within Namibian legal system: Regional and international instruments ratified by Namibia in the field of refugee law; domestic laws, policies, and administrative measures adopted by Namibia in the area of Refugee Protection.
- Case law pertaining to refugee protection and asylum in Namibia.

E.9.10 Module Title: LEGISLATIVE DRAFTING

Module Code: LPLD 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- Types of Bills
- The content of a Bill
 - Bill number
 - Title
 - Preamble (if any)
 - Statement of Purpose
 - Short Title
 - Enacting Clause
 - Prefatory Language
 - Sections and sub-section
 - Effective date
- Drafting
 - Changing an Existing Statute: deleting old language and adding new Language;
 - Multiple-Meaning Words;
 - Exceptions, Provisos and “Notwithstanding” Clauses;
- Aspects of interpretation

E.9.11 Module Title: MILITARY LAW

Module Code: LJML 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- Basic law concerning military operations
- The significance of military law during combat;
- Enforcement of military law and its impact on the duties of combatants;

E.9.12 Module Title: POLICE LAW

Module Code: LJPL 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- Basic principles of police law;
- The relevance of other laws in relation to police law;
- Enforcement of the laws and their impact on the duties of police officers;
- Human rights and the law.

E.9.13 Module Title: STATUTORY INTERPRETATION

Module Code: LJIS 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module will *inter alia* pay particular attention to the following topics:

- The purpose and role of statutory interpretation
- Creative function of the court – Judicial activism
- Theories of interpretation
- Constitutional interpretation
- Restrictive and extensive interpretation
- Internal and external aids to interpretation
- Presumptions of interpretation

E.9.14 Module Title: TAXES AND CUSTOMS

Module Code: LCTC 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- Introduction
 - The Namibian legal system;
 - The basic principles of import and export taxes;
 - The role players (police, immigration customs);

- Specific duties
 - Customs duties and requirements
 - Tax tables
 - SADC MoU's and other international treaties and obligations
 - Southern African Customs Union
 - Offences and legal processes

F. CERTIFICATE IN PARLIAMENTARIAN PRACTICE AND CONDUCT (16CPPC)

NB: NOT OPEN FOR THE PUBLIC – EXCLUSIVELY OFFERED FOR PARLIAMENTARIANS

F.1 ADMISSION

- F.1.1 For admission to the Certificate in Parliamentarian Practice and Conduct, the candidate:
- should be in possession of a minimum Grade 10 certificate or any other equivalent qualification and should have five (5) years related working experience OR
 - be in possession of a Grade 12 certificate, with a minimum of 17 points in five subjects according to UNAM rating with at least an E symbol in English as a Second Language or higher.

F.2 DURATION

- F.2.1 The Certificate in Parliamentarian Practice and Conduct will extent over a period of 11 weeks with four hours of teaching in English for Certificate Purposes and three hours of teaching in each of the other five (5) modules.

F.3 TEACHING MODE

- F.3.1 The Certificate in Parliamentarian Practice and Conduct will be offered full time.

F.4 CURRICULUM COMPILATION

The curriculum for the Certificate in Parliamentarian Practice and Conduct is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Weeks	Credits
1	English for Certificate Purposes	LCEC 1311	Semester 1 or 2	3	4/11	16
1	Constitutional Law	LJCS 1319	Semester 1 or 2	3	3/11	10
1	Administrative Law	LJAD 1319	Semester 1 or 2	3	3/11	10
1	Customary Law	LJCU 1319	Semester 1 or 2	3	3/11	10
1	Legislative Drafting	LPLD 1319	Semester 1 or 2	3	3/11	10
1	The Role of Parliament in a Constitutional Democracy	LPRP 1319	Semester 1 or 2	3	3/11	10
TOTAL CREDITS						66

F.5 EXAMINATION REGULATIONS

- F.5.1 UNAM examination regulations apply, as stipulated in the **General Information and Regulations Prospectus**. The examination timetable will be handled administratively between the Faculty and the Examinations Department.

F.6 ACADEMIC ADVANCEMENT RULES

- F.6.1 A student who did not pass all the modules of the Certificate in Parliamentarian Practice and Conduct, shall be eligible to repeat the modules failed, provided that he/she has passed at least 32 credits out of the prescribed 66 credits.

F.7 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

- F.7.1 A student will not be re-admitted for the Certificate in Parliamentarian Practice and Conduct unless s/he passed at least (32 credits out of the prescribed 66 credits by the end of the first registration cycle.
- F.7.2 A student may only register for a maximum of two times for this qualification after which no extension will be granted.

F.8 AWARDING OF THE CERTIFICATE IN PARLIAMENTARIAN PRACTICE AND CONDUCT

- F.8.1 A student shall be awarded the Certificate Parliamentarian Practice and Conduct if he/she passed all prescribed modules (66 credits).

F.9 MODULE DESCRIPTORS

F.9.1 Module Title: ENGLISH COMMUNICATION FOR CERTIFICATE PURPOSES

Module Code: LCEC 1311

NQF level: 3

Contact hours: Four hours per week lectures – 11 Weeks = 44 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisites: None

Module description: This module attempts to assist students to improve language proficiency regarding: reading comprehension, writing, speaking, listening and study skills in order for them to utilise English language at work or in study. Students are required to complete assignments and tests designed for the module. The main aim of the module is to communicate in English language.

F.9.2 Module Title: CONSTITUTIONAL LAW

Module Code: LJCS 1319

NQF level: 3

Credits: 10

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- History, development and drafting of the Namibian Constitution
- Constitutionalism, Democracy and the Rule of Law
- Supremacy of the Constitution
- Separation of Powers and Independence of the Judiciary
- State of Emergency
- Entrenchments of Rights
- Limitations of rights and freedoms

F.9.3 Module Title: ADMINISTRATIVE LAW

Module Code: LJAD 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- The nature, scope and sources of administrative law;
- Administrative law relations;
- Requirements for valid administrative action;
- The role of the Judiciary;
- State liability for administrative action;
- Regional and local government.

F.9.4 Module Title: CUSTOMARY LAW

Module Code: LJCU 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module introduces the basic principles of African customary law as the law governing the day-to-day affairs of the majority in Namibia and gives, in particular, an overview of:

- The factual situation of traditional communities in Namibia;
- The legal status of traditional communities, traditional courts and customary law; and
- The relevant legal provisions dealing with traditional authority and customary law with special reference to the interface between traditional authorities and agents of the state.

F.9.5 Module Title: LEGISLATIVE DRAFTING

Module Code: LPLD 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- Types of Bills
- The content of a Bill
 - Bill number
 - Title
 - Preamble (if any)
 - Statement of Purpose
 - Short Title
 - Enacting Clause
 - Prefatory Language
 - Sections and sub-section
 - Effective date
- Drafting
 - Changing an Existing Statute: deleting old language and adding new Language;
 - Multiple-Meaning Words;
 - Exceptions, Provisos and “Notwithstanding” Clauses;

- Aspects of interpretation

F.9.6 Module Title: THE ROLE OF PARLIAMENT IN A CONSTITUTIONAL DEMOCRACY

Module Code: LPRP 1319

NQF level: 3

Contact hours: Three contact hours per week lectures – 11 weeks = 33 contact hours

Credits: 10

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will cover the following areas:

- History and development of Constitutional Democracy.
- Constitutionalism Democracy and Parliament.
- The Relationship between Parliament and the Judiciary.
- The different functionaries of Parliament with special emphasis on the committees.
- The committees and the opposition.
- Public hearings.
- The role of committee members during the Parliamentary debates.

G. BACCALAUREUS JURIS (B JURIS) - FULL TIME

G.1 ADMISSION

- G.1.1 A student is eligible to register for the programme of B Juris if he/she holds a School Leaving Certificate entitling him/her to degree studies i.e. Namibian Senior Secondary Certificate (NSSC) Ordinary of Higher Level or a recognized equivalent qualification. A student must obtain a minimum of 30 scores in five subjects according to the UNAM rating with at least a C symbol in English as a Second Language or higher.
- G.1.2 Applicants seeking admission to the B Juris programme as mature students must satisfy mature age entry qualifications as prescribed in the General Information and Regulations Prospectus.
- G.1.3 Admission to the B Juris programme will be based on merit and will depend on places available (i.e. the capacity of the Faculty). Therefore, the mere satisfaction of the minimum entrance requirements will not guarantee admission to the B Juris programme.
- G.1.4 In order to qualify for admission into the Faculty of Law, a student already admitted to a degree programme of the University of Namibia in a Faculty other than the Faculty of Law, should attain an overall average of 60%, irrespective of the number of modules taken, and provided he/she did not fail any module in that Faculty.
- G.1.5 The Faculty reserves the right to interview any applicant before admission to the B Juris programme.
- G.1.6 A student who registered for full time studies cannot change to part time studies during the course of the year of registration. The same rule applies (*a fortiori*) to a student who registered for part time studies.

G.2 DURATION OF STUDY

- G.2.1 The fulltime B Juris degree programme extends over a period of at least three (3) academic years.
- G.2.2 The maximum period of study for the fulltime B Juris degree programme is five (5) years.
- G.2.3 The said periods may only be exceeded with the authority of Senate.

G.3 CURRICULUM COMPILATION

The curriculum for the full time B Juris degree is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Weeks	Credits
UNAM CORE MODULES						
1	English for Academic Purposes	ULEA 3419	Semester 1	4	4/14	16
1	Contemporary Social Issues	UCSI 3429	Semester 1	4	2/14	8
1	Computer Literacy	UCLC 3409	Semester 2	4	2/14	8
FACULTY SPECIFIC MODULES						
1	Criminal Law I	LJCR 3511	Semester 1	5	4/14	16
1	Criminal Law II	LJCR 3512	Semester 2	5	4/14	16
1	Introduction to Law	LJIL 3510	Semester 1 & 2	5	4/28	32
1	Law of Contract	LCCT 3510	Semester 1 & 2	5	4/28	32
1	Sociology	HSOC 3510	Semester 1 & 2	5	4/28	32
1	Communication & Study Skills for Law Students	ULCL 3612	Semester 2	6	4/14	16
TOTAL CREDITS FOR 1ST YEAR						176
2	Customary Law I	LJCU 3601	Semester 1	6	2/14	8
2	Human Rights Law	LJHR 3601	Semester 1	6	2/14	8
2	Law of Persons	LPPE 3601	Semester 1	6	2/14	8
2	Statutory Interpretations	LJSI 3601	Semester 1	6	2/14	8
2	Customary Law II	LJCU 3602	Semester 2	6	2/14	8
2	Family Law	LPFA 3632	Semester 2	6	4/14	16
2	Gender Law	LJGE 3602	Semester 2	6	2/14	8
2	Commercial Law	LCCM 3600	Semester 1 & 2	6	2/28	16

2	Constitutional Law I	LJCS 3630	Semester 1 & 2	6	4/28	32
2	Law of Property	LPPR 3630	Semester 1 & 2	6	4/28	32
TOTAL CREDITS FOR 2ND YEAR						144
3	Criminal Procedure I	LPCP 3751	Semester 1	7	4/14	16
3	Criminal Procedure II	LPCP 3752	Semester 2	7	4/14	16
3	Customary Law III	LJCU 3722	Semester 2	7	2/14	8
3	Civil Procedure	LPCI 3720	Semester 1 & 2	7	2/28	16
3	Law of Associations	LCAS 3720	Semester 1 & 2	7	2/28	16
3	Law of Delict	LPDE 3720	Semester 1 & 2	7	2/28	16
3	Law of Evidence	LPEV 3720	Semester 1 & 2	7	2/28	16
3	Labour Law	LCLA 3720	Semester 1 & 2	7	2/28	16
3	Practical Legal Studies	LPPS 3720	Semester 1 & 2	7	2/28	16
TOTAL CREDITS FOR 3RD YEAR						136
OVERALL NUMBER OF CREDITS FOR B JURIS						456

G.4 RESTRICTION ON MODULES – CO-REQUISITES AND PRE-REQUISITES

Co-requisites: A student must have a continuous assessment mark of at least 40% (i.e. examination admission) in a module to be allowed to continue with any module for which the first one is a co-requisite.

Pre-requisites: Before a student can continue with a subsequent module, the preceding relevant module must be passed.

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module.

FIRST YEAR:

Modules	Co-Requisites
LJCR 3512 Criminal Law II	LJCR 3511 Criminal Law
Modules	Pre-Requisites
ULCL 3612 Communication & Study Skills for Law Students	ULEA 3419 English for Academic Purposes

SECOND YEAR:

Modules	Co-Requisites
LPFA 3612 Family Law LJCU 3602 Customary Law II LJGE 3602 Gender Law	LPPE 3601 Law of Persons LJCU 3601 Customary Law I LJHR 3601 Human Rights Law

THIRD YEAR:

Modules	Co-Requisites
LPCP 3752 Criminal Procedure II	LPCP 3751 Criminal Procedure I
Modules	Pre-Requisites
LJCU 3722 Customary Law III	LJCU 3602 Customary Law II

G.5 EXAMINATION REGULATIONS

See **General Information and Regulations Prospectus** for Special Regulations.

G.6 ACADEMIC ADVANCEMENT RULES

A student is eligible to register for his/her subsequent year of study if he/she has,

- G.6.1 at the end of the first year, passed 128 credits out of the 176 credits prescribed for the first year, which should include at least two (2) of the following law modules:
- Introduction to Law
 - Law of Contract
 - Criminal Law I and II
- G.6.2 at the end of the second year, passed 96 credits out of the 144 credits prescribed for the second year.
- G.6.3 at the end of the third year, passed all outstanding modules in order to be awarded the B Juris degree.

G.7 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

A student will not be re-admitted into the Faculty unless s/he passed at least:

- G.7.1 64 credits by the end of the first year of registration
- G.7.2 160 credits by the end of the second year of registration
- G.7.3 256 credits by the end of the third year of registration
- G.7.4 The above-mentioned implies that a student who does not complete the B Juris degree within the prescribed duration of study, has two years left to complete the remaining 200 credits.
- G.7.5 A student may only register for a maximum of two times for the same year of study. This is subject to the duration of study for the full time degree of B Juris. The maximum duration of study for the full time degree of B Juris is five (5) years.

G.8 AWARDING OF THE DEGREE OF B JURIS

- G.8.1 A student shall be awarded the degree of B Juris if he/she passed all prescribed modules i.e 456 credits.

G.9 MODULE DESCRIPTORS

See H.9 for module descriptors of B Juris full time and part time.

H. BACCALAUREUS JURIS (B JURIS) - PART TIME

H.1 ADMISSION

- H.1.1 A student is eligible to register for the programme of B Juris if he/she holds a School Leaving Certificate entitling him/her to degree studies i.e. Namibian Senior Secondary Certificate (NSSC) or International General Certificate of Secondary Education (IGCSE) or a recognized equivalent qualification. A student must obtain a minimum of 30 scores in five subjects according to UNAM rating with at least a C symbol in English as a Second Language or higher.
- H.1.2 Applicants seeking admission to the B Juris programme as mature students must satisfy mature age entry qualifications as prescribed in the General Information and Regulations Prospectus.
- H.1.3 Admission to the B Juris programme will be based on merit and will depend on places available (i.e. the capacity of the Faculty). Therefore, the mere satisfaction of the minimum entrance requirements will not guarantee admission to the B Juris programme.
- H.1.4 In order to qualify for admission into the Law Faculty, a student already admitted to a degree programme of the University of Namibia in a Faculty other than the Law Faculty, should attain an overall average of 60%, irrespective of the number of modules taken, and provided he/she did not fail any module in that Faculty.
- H.1.5 The Faculty reserves the right to interview any applicant before admission to the B Juris programme.
- H.1.6 A student who registered for part time studies cannot change to full time studies during the course of the year of registration. The same rule applies (*a fortiori*) to a student who registered for full time studies.

H.2 DURATION OF STUDY

- H.2.1 The B Juris part time degree programme extends over a period of at least four (4) academic years.
- H.2.2 The maximum period of study for the part time B Juris degree programme is six (6) years.
- H.2.3 The said periods may only be exceeded with the authority of Senate.

H.3 CURRICULUM COMPILATION

The curriculum for the part time B Juris degree is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Week	Credits
UNAM CORE MODULES						
1	English for Academic Purposes	ULEA 3419	Semester 1	4	4/14	16
1	Contemporary Social Issues	UCSI 3429	Semester 1	4	2/14	8
1	Computer Literacy	UCLC 3409	Semester 2	4	2/14	8
FACULTY SPECIFIC MODULES						
1	Communication & Study Skills for Law Students	ULCL 3612	Semester 2	6	4/14	16
1	Introduction to Law	LJIL 3510	Semester 1 & 2	5	4/28	32
1	Law of Contract	LCCT 3510	Semester 1 & 2	5	4/28	32
1	Sociology	HSOC 3510	Semester 1 & 2	5	4/28	32
TOTAL CREDITS FOR 1ST YEAR OF REGISTRATION						144
2	Criminal Law I	LJCR 3511	Semester 1	5	4/14	16
2	Customary Law I	LJCU 3601	Semester 1	6	2/14	8
2	Human Rights Law	LJHR 3601	Semester 1	6	2/14	8
2	Criminal Law II	LJCR 3512	Semester 2	5	4/14	16
2	Customary Law II	LJCU 3602	Semester 2	6	2/14	8
2	Gender Law	LJGE 3602	Semester 2	6	2/14	8
2	Constitutional Law I	LJCS 3630	Semester 1 & 2	6	4/28	32
2	Law of Property	LPPR 3630	Semester 1 & 2	6	4/28	32
TOTAL CREDITS FOR 2ND YEAR OF REGISTRATION						128
3	Law of Persons	LPPE 3601	Semester 1	6	2/14	8
3	Statutory Interpretations	LJSI 3601	Semester 1	6	2/14	8

3	Family Law	LPFA 3632	Semester 2	6	4/14	16
3	Customary Law III	LJCU 3722	Semester 2	7	2/14	8
3	Commercial Law	LCCM 3600	Semester 1 & 2	6	2/28	16
3	Civil Procedure	LPCI 3720	Semester 1 & 2	7	2/28	16
3	Law of Associations	LCAS 3720	Semester 1 & 2	7	2/28	16
3	Law of Evidence	LPEV 3720	Semester 1 & 2	7	2/28	16
TOTAL CREDITS FOR 3RD YEAR OF REGISTRATION						104
4	Criminal Procedure I	LPCP 3751	Semester 1	6	2/14	8
4	Criminal Procedure II	LPCP 3752	Semester 1	6	2/14	8
4	Law of Delict	LPDE 3720	Semester 2	6	4/14	16
4	Labour Law	LCLA 3720	Semester 2	7	2/14	8
4	Practical Legal Studies	LPPS 3720	Semester 1 & 2	6	2/28	16

H.4 RESTRICTION ON MODULES – CO-REQUISITES AND PRE-REQUISITES

Co-requisites: A must have a continuous assessment mark of at least 40% (i.e. examination admission) in a module to be allowed to continue with any module for which the first one is a co-requisite.

Pre-requisites: Before a student can continue with a subsequent module, the preceding relevant module must be passed.

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module.

FIRST YEAR OF REGISTRATION:

Modules	Pre-Requisites
ULCL3612 Communication & Study Skills for Law Students	ULEA3519 English for Academic Purposes

SECOND YEAR OF REGISTRATION:

Modules	Co-Requisites
LJCR 3512 Criminal Law II LJCU 3602 Customary Law II LJGE 3602 Gender Law	LJCR 3511 Criminal Law I LJCU 3601 Customary Law I LJHR 3601 Human Rights Law

THIRD YEAR OF REGISTRATION:

Modules	Co-Requisites
LPFA 3632 Family Law	LPPE 3601 Law of Persons

Modules	Pre-Requisites
LJCU 3722 Customary Law III	LJCU 3602 Customary Law II

FOURTH YEAR:

Modules	Co-Requisites
LPCP 3752 Criminal Procedure II	LPCP 3751 Criminal Procedure I

H.5 EXAMINATION REGULATIONS

See **General Information and Regulations Prospectus** for Special Regulations.

H.6 ACADEMIC ADVANCEMENT RULES

A student is eligible to register for his/her subsequent year of study if he/she has,

- H.6.1 at the end of the first year, passed 96 credits out of the 144 credits prescribed for the first year of registration, which should include at least one (1) of the following two law modules:
- Introduction to Law
 - Law of Contract
- H.6.2 at the end of the second year of registration, passed 80 credits out of the 128 credits prescribed for the second year of registration.
- H.6.3 at the end of the third year of registration, passed 64 credits out of the 104 credits prescribed for the third year of registration.
- H.6.4 at the end of the fourth year of registration, passed all outstanding modules in order to be awarded the B Juris degree.

H.7 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

A student will not be re-admitted into the Faculty unless s/he passed at least:

- H.7.1 48 credits by the end of the first year of registration
- H.7.2 128 credits by the end of the second year of registration
- H.7.3 224 credits by the end of the third year of registration
- H.7.4 320 credits by the end of the fourth year of registration
- H.7.5 The above-mentioned implies that a student who does not complete the B Juris degree within the prescribed duration of study, has two years left to complete the remaining 136 credits.
- H.7.6 A student may only register for a maximum of two times for the same year of study. This is subject to the duration of study for the part time degree of B Juris. The maximum duration of study for the part time degree of B Juris is six (6) years.

H.8 AWARDING OF THE DEGREE OF B JURIS

- H.8.1 A student shall be awarded the degree of B Juris if he/she passed all prescribed modules (456 credits).
-

H.9 MODULE DESCRIPTORS

BACCALAUREUS JURIS (B JURIS) – FULL TIME AND PART TIME

FIRST YEAR MODULES:

UNAM CORE MODULES:

H.9.1 Module Title: **COMPUTER LITERACY**

Module code: UCLC 3409

NQF level: 4

Contact hours: Two hours per week lectures - 14 weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment [minimum two practical tests (50%) and two theory tests (50%)] will contribute hundred percent (100%) to the final mark.

Prerequisite: None

Module description: The aim of this module is to equip the student through hands-on experience with the necessary skills to use applications software such as Word processing, Spreadsheets, Database, Presentations and communications packages for increasing their productivity in an education and training environment.

H.9.2 Module Title: **CONTEMPORARY SOCIAL ISSUES**

Module Code: UCSI 3429

NQF level: 4

Contact Hours: Two hours per week lectures - 14 weeks = 28 contact hours

Credits: 8

Module Assessment: Continuous assessment (minimum one test or one assignment) will contribute fifty percent (50%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the first semester. The examination mark will contribute fifty percent (50%) to the final mark.

Prerequisite: None

Module Description: The module raises awareness on the need for a personal, national and global ethics. The main objectives of the course is to help students reflect on the social moral issues; to discover themselves in a learner-centered, contextual, religious and life related setting. It also stimulates students for critical thinking and help them to appreciate their values, standards and attitudes.

Furthermore it orientates students with regards to the epidemiology of HIV/AIDS; the prevalence of the disease on Namibia, Africa and Internationally. It also informs students on the psycho social and environmental factors that contribute to the spread of the disease, the impact of HIV/AIDS on their individual lives, family and communities at large. The unit further seeks to enhance HIV/AIDS preventive skills among students by means of paradigm shift and behavior change and also to impart general introductory knowledge on gender, to make students aware, as well as sensitize them towards gender issues and how they affect our society, Sub-Region and continent at large.

H.9.3 Module Title: **ENGLISH FOR ACADEMIC PURPOSES**

Module Code: ULEA 3419

NQF level: 4

Contact hours: Four periods per week lectures – 14 weeks = 56 contact hours

Credits: 16

Module assessment: Continuous Assessment (minimum two tests (reading and writing), one academic written essay and one oral presentation) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module develops a student's understanding, and competencies regarding academic conventions such as academic reading, writing, listening and oral presentation skills for academic purposes. Students are required to produce a referenced and researched essay written in formal academic style within the context of their university studies. Students are also required to do oral presentations based on their essays. The reading component of the course deals with academic level texts. This involves students in a detailed critical analysis of such texts. The main aim is therefore, to develop academic literacy in English.

FACULTY SPECIFIC MODULES:

H.9.4 Module Title: COMMUNICATION AND STUDY SKILLS FOR LAW STUDENTS

Module Code: ULCL 3612

NQF level: 6

Contact hours: Four hours per week lectures – 14 weeks = 56 contact hours

Credits: 16

Module assessment: Continuous Assessment (minimum two tests (reading and writing) and one oral presentation) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: English for Academic Purposes (ULEA 3419)

Module description: This module develops a student's understanding, skills and concepts regarding legal issues such as: the reading and writing of legal documentation; oral presentation of legal matters; argumentative writing and presentation; note-taking and summarising; referencing of legal texts, cases and other relevant sources.

H.9.5 Module Title: CRIMINAL LAW I (Second year module in the part time programme)

Module Code: LJCR3511

NQF level: 5

Contact hours: Four contact periods per week lectures – 14 weeks = 56 contact hours

Credits: 16

Module Assessment: Continuous Assessment (minimum two tests and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description:

- The sources of criminal law;
 - General objectives and values of criminal law;
 - General principles of criminal liability: *Actus reus*, *mens rea*, special factors that bear on *mens rea* or capacity;
 - General defences: Consent, necessity, compulsion, obedience to orders, private defence, impossibility, *de minimis*, mistake of fact, mistake of law and criminal capacity;
 - Inchoate crime: Incitement, conspiracy and attempt;
 - Forms of Participation: *Socius criminis*, common purpose and accessory after the fact;
 - The impact of independence and the Namibian Constitution on criminal law.
-

H.9.6 Module Title: CRIMINAL LAW II
(Second year module in the part time programme)

Module Code: LJCR 3512

NQF level: 5

Contact Hours: Four hours per week lectures – 14 Weeks = 56 contact hours

Credits: 16

Module Assessment: Continuous Assessment (minimum two tests and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Co-requisite: Criminal Law I (LJCR 3511)

Module description:

- Crimes against the person: murder, culpable homicide and assault;
- Crimes against property: theft, robbery, extortion and housebreaking;
- Crimes against the state and community: treason (and cognate crimes), public violence, perjury, contempt of court. *crimen injuria* and rape, fraud, arson and malicious damage to property, defeating or obstructing the module of justice and compounding;
- Punishment of Crime;
- Post independence developments:
 - Combating of Rape Act;
 - Prohibition of Racial Discrimination Act;
 - The Stock Theft Act.

H.9.7 Module Title: INTRODUCTION TO LAW

Module Code: LJIL 3510

NQF level: 5

Contact hours: Four hours per week lectures – 28 Weeks = 112 contact hours

Credits: 32

Module assessment: Continuous assessment (minimum of two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will *inter alia* cover the following issues:

- Critical examination of the nature, sources, institutions and techniques of the law;
- The relationship between law, society and development;
- Introduction to legal methods, techniques and reasoning especially the analysis of cases and the use of authorities;
- Structure of the law (i.e. divisions of the law into branches or classification) in general and of the law in Namibia in particular;
- The structure of the judicial system (Courts), the legal profession and the administration of justice;
- The sources of law in general and under the Namibian legal system:
 - The Namibian Constitution
 - Judicial precedent and the creative functions of the courts
 - Legislation and statutory interpretation
 - Custom
 - Legal writers (jurists) old and modern
 - Customary law
 - International Law
- The separation of governmental powers into the Executive, Legislative and Judicial;
- The doctrines of separation of powers and the rule of law;
- The supremacy of the constitution and the sovereignty of Parliament and their consequences, with particular reference to the Namibian legal system;
- The nature of administrative discretion and administrative justice, the principles of natural justice and judicial review of administrative discretion;
- Survey of the origins and historical development of the Law of Namibia from Roman Law;

- A brief sketch of Roman Constitutional and legal history;
- Justinian's *Corpus Juris Civilis*;
- The revival of the study of Roman Law and its transmission in Western Europe and the development of Civil Law Systems culminating in the Codes of the 18th and 19th Centuries;
- The various schools of jurists: the Glossators, Post Glossators, Humanists, Antiquarian School of Dutch Jurists, Natural Law School, Historical School, German Pandektists;
- The creation of Roman Dutch Law in Holland;
- The transmission of Roman Dutch Law to the Cape of Good Hope, Southern Africa and Namibia.

H.9.8 Module Title: **LAW OF CONTRACT**

Module Code: LCCT 3510

NQF level: 5

Contact hours: Four hours per week lectures – 28 Weeks = 112 contact hours

Credits: 32

Module assessment: Continuous assessment (minimum of two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: During the course of the module, the following areas will be dealt with in depth:

- The scope, nature and sources of law of contract; the basis and essential legal contracts;
- Formation of a valid contract: the rules applicable to the law of offer and acceptance; the requirements and revocation of offer; the requirements for acceptance; offer and acceptance through the post, telegrams, etc.
- Options and Pre-emption contracts; the right of first refusal;
- Contractual capacity: natural and juristic persons; minors; insolvents; prodigals; companies and close corporations; the state.
- Formalities for a valid contract: formalities as set by the parties to a contract; formalities required by the law; alienation of land;
- Content and operation of contracts: express and implied terms of contracts; plurality of parties to a contract; *stipulatio alteri*, the law of agency or representation; interpretation of contract (the general rule, the bystander rule, and the parole evidence rule); cases involving tickets and other unsigned documents; the construction of exemption clauses; conditional contracts (suspensive and resolutive conditions);
- Factors vitiating the validity of contracts: mistakes (unilateral & common); misrepresentation (fraudulent, innocent and negligent); rectification of contracts; the effect of misrepresentation on the contract; the aedilician remedies; duress and its effects on the contract; undue influence and its effect; the illegality of contract both at common and statute law and its effect on contracts; the contracts in restraint of trade as applied within our Roman-Dutch Law;
- Contractual obligations: alternative, facultative, generic and reciprocal obligations.
- Variation and discharge of contracts: performance, novation, compromise, delegation, cession, and release; *vis major*, *compensatio*, *confusio*, prescription, liquidation and insolvency;
- The general principles applicable to the breach of contracts; *mora ex lege*, *mora ex re*, *mora ex persona* and *mora creditoris*.
- Remedies for breach of contract: specific performance; interdict; declaration of rights; cancellation and rescission; and damages (general and special).
- The distinction between contractual and delictual damages.

H.9.9 Module Title: **SOCIOLOGY**

Module Code: HSOC 3510

NQF level: 5

Contact hours: Four hours per week lectures – 28 Weeks = 112 contact hours

Credits: 32

Module assessment: Continuous assessment (minimum one written assignment and two further tasks) will contribute sixty percent (60%) to the final mark.

Examination: The module will be examined with at least a one and a half to three hour paper at the end of the second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module provides an introduction to sociology for law students, strongly emphasizing the link between the theoretical body of sociology and its methodological implementation. It serves as a guide to the foundations of the discipline. While introducing the student to the basic concepts, theories, fields and applications of sociology in a global world, it focuses on Namibian society; while acquainting the student with the basic paradigms of the discipline, it familiarizes her/him with the basic knowledge and instruments of social research. Being a module specifically offered to students of law, the concern with social relations which both sociology and law share will represent a further aspect of the syllabus. In particular, the module covers:

With regard to the theoretical body: Classical and contemporary interpretations of social action, social structure and social change; principal social institutions such as family, state, economy, education, and religion; impact of social inequality, such as class, race, and gender. With regard to the methodological body: sources of knowledge; purpose, goals, and types of social research; key concepts; research ethics; instruments: measurement, sampling, questionnaire; the research process; research proposal. Sociology of law: power, state, and norms; legitimacy; domination and integration; private property as social relationship; deviance; crime; punishment; rehabilitation; human rights.

SECOND YEAR MODULES:

H.9.10 Module Title: **COMMERCIAL LAW** (Third year module in the part time programme)

Module Code: LCCM 3600

NQF level: 6

Contact hours: Two hours per week lectures – 28 Weeks = 56 contact hours

Credit: 16

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module Description: The module will *inter alia* cover the following issues:

- The law of Sale
 - The law of Landlord & Tenant
 - The law of agency
-

H.9.11 Module Title: **CONSTITUTIONAL LAW**

Module Code: LJCS 3630

NQF level: 6

Contact hours: Four hours per week lectures – 28 Weeks = 112 contact hours

Credits: 32

Module assessment: Continuous assessment (minimum of two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will *inter alia* cover the following issues:

- An introduction to Constitutions, comparison of written and unwritten constitutions as well as the significance of constitutions;
 - History, development and drafting of the Namibian Constitution;
 - Constitutionalism, Democracy and the Rule of Law;
 - Supremacy of the Constitution;
 - Separation of Powers and Independence of the Judiciary(i.e. historical development of separation of powers, rationale, identification of organs of state, the relationship between executive and legislature; legislature and judiciary; executive and judiciary);
 - A critical examination of the Interpretation of the Constitution (i.e. comparison between ordinary interpretation and constitutional interpretation, value considerations in interpretation and the rationale for a purposive approach in constitutional interpretation);
 - State Succession;
 - Amendment of the Constitution including a comparison between rigid and flexible constitutions;
 - State of Emergency;
 - Entrenchments of Rights;
 - Validity of laws in force at independence;
 - Limitations of rights and freedoms;
 - Detailed examination of particular provisions of chapter 3 of the Constitution (i.e protection of life, respect for human dignity, protection of liberty, equality and freedom from discrimination, affirmative action, administrative justice, family, freedom of speech and expression, freedom of religion, fair trial).
-

H.9.12 Module Title: CUSTOMARY LAW I

Module Code: LJCU 3601

NQF level: 6

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment (minimum of one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module introduces the basic principles of African customary law as the law governing the day-to-day affairs of the majority in Namibia and gives, in particular, an overview of:

- The factual situation of traditional communities in Namibia;
- The history of the legal status of traditional communities and African customary law;
- The relevant legal provisions dealing with traditional authority; and
- The reality, functioning and status of African customary law.

H.9.13 Module Title: CUSTOMARY LAW II

Module Code: LJCU 3602

NQF level: 6

Contact hours: Two hours per week lectures and fieldwork of one-week duration – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: One project essay of a minimum of 2 000, but not exceeding 3 000 words contributes forty percent (40%) to the final mark.

Examination: The module is examined with a fieldwork report with a minimum of 3 000 words, but not exceeding 7 000 words, which contribute sixty percent (60%) to the final mark.

Co-requisite: Customary Law I (LJCU 3601)

Module description: The module introduces research methods and basic approaches and techniques used in legal, social and cultural anthropology, ethics of research included. The module teaches approaches to

- Qualitative methods, participant observation, interview techniques, questionnaire construction, oral and life histories;
- The history and ethnography of the area selected for fieldwork;
- Analysis and evaluation of data collected in the field; and
- The main elements to be observed in writing up a fieldwork report.

**H.9.14 Module Title: FAMILY LAW
(Third year module in the part time programme)**

Module Code: LPFA 3632

NQF level: 6

Contact hours: Four hours per week lectures – 14 Weeks = 56 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40 %) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Co-requisite: Law of Persons (LPPE 3601)

Module description: During the course of the module, the following areas will be dealt with in depth:

- An introductory historical background to the Family Law (Roman Law, Germanic Law, Canon Law, Roman Dutch Law, and the Namibian Statute Law); definitional narratives of a “family”;
- The law related to the promise to marry or engagement; requirements for a valid engagement; content and consequences of the engagement; termination, breach of engagement and damages for breach of promise to marry;
- Civil marriages; problems re definitions of civil marriage; requirements for a valid civil marriage (capacity to act, lawfulness, consensus, and other prescribed formalities);
- Void, voidable and putative civil marriages; definitional narratives; and the grounds and consequences for each category;
- Personal (or invariable) consequences of a civil marriage (the status of the spouses, *consortium omnis vitae*, maintenance or spousal support, matrimonial home, parental authority, donations between spouses, the family name, and the headship of the family);
- Variable (or matrimonial) consequences of civil marriages; community of property and out of community marriages; the significance and legal implications of the choice of property regimes; the antenuptial contracts (purpose, nature, requirements, content, interpretation, and cancellation and amendment of); marriage out of community of property and community of profit and loss without the accrual system, i.e. complete separation of property; and the accrual system;
- The dissolution of civil marriages (divorce & death); grounds for divorce, defences against an action for divorce; patrimonial consequences of divorce; maintenance of spouses after divorce; interests and rights of the children after divorce (custody, access, and guardianship); the Convention on the Rights of the Child ; procedures in instituting action for divorce;
- Customary marriages (legal requirements, registration, proprietary consequences, and the wife’s status, divorce and patrimonial consequences thereof; maintenance and the interests of the children after divorce; the Constitution and customary marriages;
- Parental authority, adoption, court as an upper guardian of minor children;
- An analysis of the Namibian Domestic Violence Act.

H.9.15 Module Title: GENDER LAW

Module Code: LJGE 3602

NQF level: 6

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Co-requisite: Human Rights Law (LJHR3601)

Module description: The module will introduce the concept and theory of gender in relation to the law; examine various legal issues of Namibian law as they relate to gender and cover *inter alia* sociological, psychological and legal aspects of gender. Furthermore, the module will cover the following areas: Introduction to basic concepts of gender theory (including the meaning of sex and gender, formal and substantive gender equality, direct and indirect discrimination and gender stereotyping); An overview of the development of the notion of women’s rights in International Human Rights Law since 1945; Gender and African Customary Law, to examine questions of whether African Customary Law actually discriminates against women.

H.9.16 Module Title: HUMAN RIGHTS LAW

Module Code: LJHR 3601

NQF level: 6

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description:

- Philosophy of human rights;
- History of Human Rights: Early developments;
- Post World War II Developments;
- Human Rights within the framework of the UN;
- Human Rights as part of International Law;
- Development of regional human rights instruments;
- International human rights instruments and domestic law;
- A selection of international instruments with special reference to instruments ratified by Namibia.

H.9.17 Module Title:

LAW OF PERSONS
(Third year module in the part time programme)

Module Code: LPPE 3601

NQF level: 6

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will *inter alia* cover the following issues in-depth:

- The nature of legal personality;
- Status and capacity of a natural person;
- Parent and child relations;
- Minority;
- Guardianship and curatorship.

H.9.18 Module Title:

LAW OF PROPERTY

Module Code: LPPR 3630

NQF level: 6

Contact hours: Four hours per week lectures – 28 Weeks = 112 contact hours

Credits: 32

Module assessment: Continuous assessment (minimum of two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will *inter alia* cover the following issues:

- Land Tenure Systems of Namibia
- Sources of the Law of Property
- Property as legal objects
- Property Rights
- Real and Personal Rights
- Things
- Ownership
- Servitudes
- Pledge
- Mortgage

- Right of Trekpath
- Right of Outspan
- Lease of Land
- Statutory Leasehold
- Mineral Rights
- Sectional Title Unit Real Rights; Property Time Sharing
- Possession
- Limitations on Ownership
- Acquisition / Transfer / Loss / Protection of Ownership
- Expropriation
- Prescription
- Land Reform / Land Reform In Namibia
- Rights of others, owners' obligations, Common Law and statutory regulations, co-ownership or joint ownership
- Lease and Mineral Rights
- Intellectual Property Rights

**H.9.19 Module Title: STATUTORY INTERPRETATION
(Third year module in the part time programme)**

Module Code: LJSI 3601

NQF level: 6

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module Assessment: Continuous Assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: This module will *inter alia* pay particular attention to the following topics:

- The purpose and role of statutory interpretation
- Creative function of the court – Judicial activism
- Theories of interpretation
- Constitutional interpretation
- Restrictive and extensive interpretation
- Internal and external aids to interpretation
- Presumptions of interpretation

THIRD YEAR MODULES:

H.9.20 Module Title: CIVIL PROCEDURE

Module Code: LPCI 3720

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks = 56 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum two tests and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module deals with civil procedure in the Higher and Lower courts. It examines:

- The procedural stages of the law of civil procedure:
 - The pre-trial stage:
 - The trial stage:
 - Settlement, judgement and costs:
 - Enforcement of judgements:
 - Appeals and reviews.
- Specific components of the abovementioned stages, including, inter alia:
 - Application procedure, including 'on notice', ex parte and urgent applications
 - Substituted service and edictal citation
 - Interdicts
 - *Mandamentem van spolie*
 - Arrest *tamquam suspectus de fuga*
 - *De lunatico inquierendo*
 - Anton Piller orders
 - Provisional Sentence

H.9.21 Module Title: CRIMINAL PROCEDURE I (Fourth year module in the part time programme)

Module Code: LPCP 3751

NQF level: 7

Contact hours: Four hours per week lectures – 14 Weeks = 56 contact hours

Credits: 16

Module Assessment: Continuous Assessment (minimum of two tests and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will *inter alia* cover the following areas:

- The history and sources of Namibian criminal procedure;
 - Criminal Procedure before independence;
 - The impact of independence and constitutionalism on criminal procedure;
- Courts of Namibia:
 - Criminal jurisdiction of the Higher and Lower courts;
 - Role and place of Community courts in the criminal system;
 - The role of the Supreme Court of Namibia;
 - The binding powers of pre1990 RSA Appellate Division judgements;
 - The New Criminal Procedure Act.
- The prosecution process.
 - The Office of the Prosecutor General;

- Independence of the Prosecutor General;
- Relationship with Attorney-General and Minister of Justice;
- Relationship with the police.
- Rules relating to arrest, custody before trial and bail.
 - The rights of the accused;
 - Procedures of arrest;
 - Searches and search warrants;
 - Release on warning;
 - Bail.
- Rules relating to trial instruments and charges.
 - Appearance;
 - Joinder of accused;
 - Separation of trials;
 - Disclosure;
 - Section 119 pleadings.
- Charge sheets and indictments.
 - Framing of charge sheets and indictments;
 - Request for further particulars.

H.9.22 Module Title: CRIMINAL PROCEDURE II
(Fourth year module in the part time programme)

Module Code: LPCP 3752

NQF level: 7

Contact Hours: Four hours per week lectures – 14 Weeks = 56 contact hours

Credits: 16

Module Assessment: Continuous Assessment (preparation of Heads of Arguments and arguing in a moot court) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Co-requisite: Criminal Procedure I (LPCP 3751)

Module description: The module will *inter alia* cover the following areas:

- The trial:
- The pre-trial
 - The plea
 - Special pleas;
 - Plea of guilty;
 - Plea of not guilty;
- Procedural rules pertaining to evidence;
 - Impact of the Constitution on:
 - Confessions and admissions;
 - Presumptions;
 - Burden of proof.
- Section 174 applications.
- Sentencing;
- Remedies of aggrieved accused.
 - Reviews;
 - Appeals;
 - Compensation

H.9.23 Module Title: CUSTOMARY LAW III

Module Code: LJCJ 3722

NQF level: 7

Contact hours: Two hours per week lectures – 14 Weeks = 28 contact hours

Credits: 8

Module assessment: Continuous assessment (minimum one test) will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module will *inter alia* cover the following issues:

- The sole trader
- The law of partnerships
- The law of trusts
- The law of close corporations
- An introduction to company law

H.9.26 Module Title: **LAW OF DELICT**
(Fourth year module in the part time programme)

Module Code: LPDE 3720

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks = 56 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will pay particular attention to:

- General principles
- The nature and basis of delictual liability – the Aquilian action and the action injuria
- Elements of liability in the Aquilian action – wrongfulness, fault, causation, patrimonial loss
- Defences to aquilian liability – contributory negligence
- Specific delicts
- Nuisance
- Trespass
- Defamation – elements of liability: defences to defamation actions.

H.9.27 Module Title: **LAW OF EVIDENCE**

Module Code: LPEV 3720

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks = 56 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module Description: During the course of the module, the following areas will be covered:

- The historical development, the nature, the scope, and the sources of the Law of Evidence;
- The distinction between the two systems of Evidence, i.e. Inquisitorial & Adversarial systems and their scope of application;
- The Process and Standards of Proof both in criminal and civil proceedings, the Quantum and Cogency of proof in criminal and civil proceedings, the burden of proof, the shifting of proof;
- Evidence *aliunde* or corroboration and other cautionary rules.
- Various presumptions: irrebuttable presumptions of law, rebuttable presumptions of law, and presumptions of facts.
- Relevance and admissibility of evidence; weight and value of evidence; facts in issue;
- Exclusionary Rules: Character Evidence
 - Similar facts evidence; the general rule and exceptions

- Opinion Evidence, the general rule, the layman opinion and expert opinion evidence, the rule in *Hollington v F Hewthorn*, opinion evidence and hearsay, opinion evidence in civil cases.
- Hearsay Evidence, the general rule and the rationale for the exclusion, common law exceptions to the hearsay.
- *The Res Gestae*;
- Previous Consistent statements, the general rule and the rationale for exclusion, admission of previous consistent statements in cases of parade identification, complaints in sexual cases, and to rebut an inference of recent fabrication;
- The Protection of the accused in criminal proceedings: the right to silence, confessions and admissions, unfairly and unlawfully obtained evidence, the rule in *Miranda*;
- Privileges (marital privilege, public policy, attorney client privilege), the constitutional provisions in regard to privileges;
- The machinery of proof and witnesses: the competence and compellability of witnesses, the general rule as to the competence and compellability, impeachment of witnesses, incompetent or non-compellable witnesses, children, accused and co-accused, persons with interest in the legal proceedings, heads of state, single witness evidence;
- *Viva voce* evidence and the exceptions thereto; the course of the trial (examination in chief, cross-examination, re-examination, and examination by the court); the refreshment of memory by the witness
- Real and Documentary Evidence: the general rule with regard to documents (private & official documents), exceptions to the rule, primary and secondary rule evidence; evidence obtained from other instruments and devices;
- Facts of which evidence is unnecessary: Judicial notice and formal admissions; facts readily ascertainable such as political matters, historical facts, maps, calendars and tables, and books, other issues such as: foreign law, statute law, customary law, and common law Formal admissions in both criminal and civil proceedings at common law and statute law.

H.9.28 Module Title:

PRACTICAL LEGAL STUDIES
(Fourth year module in the part time programme)

Module Code: LPPS 3720

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks = 56 contact hours

Credits: 16

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute fifty percent (50%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute fifty percent (50%) to the final mark.

Prerequisite: None

Module description: The primary objective and or outcome of this module are to introduce the students to the practical aspects of practicing law. The module further aims to provide the students with the tools and foundation of the fundamental skills and values that a legal practitioner should have before he/she assume or embark on their role as members of the legal profession.

It is assumed that students have basic knowledge of the large part of theoretical subjects in law. Various methods shall be employed to cover the syllabus, although the traditional method of lecturing will be the major tool, students are expected and will have to work independently through substantial parts of the work and to master such work on their own.

In order to attain the stated objectives it is vital that feedback is received from students throughout the academic period.

The module has been organized as follows:

- Drafting letters and pleadings.
- Introduction to Civil Court Practice.
- Detailed study of the Criminal Court Practice:
 - Pre-Trial procedures;
 - Bail Applications;
 - The Plea;
 - Jurisdiction of Court;
 - Recusal of Judicial Officer.

I. BACHELOR OF LAWS (LL B) (HONOURS) – FULL TIME

The Bachelor of Laws degree (LL B) (Honours) (3 years B Juris and 2 year LL B) is a professional law degree. The LL B (Honours) can only be obtained after a minimum study period of five years other than non-professional UNAM degrees from other faculties.

I.1 ADMISSION

I.1.1 A student is eligible to register for the full time programme of the LL B (Honours) if he/she was awarded the degree of B Juris of the University of Namibia, or at the end of his/her third year of studies for the degree of B Juris on full time at UNAM, passed 88 credits out of the prescribed 136 credits prescribed for full time studies, provided that all outstanding first and second year modules have been passed OR passed 32 credits out of the prescribed 80 credits prescribed for the fourth year of registration on part time, provided that all outstanding modules prescribed for the first year of registration, second year of registration and third year of registration on part time studies have been passed.

I.1.2 Subject to the general rules for admission, applicants for admission to the LL B (Honours) programme and holding the degree of B Juris or equivalent from Universities other than the University of Namibia may be admitted to the LL B (Honours) programme by Senate on the recommendation of the Faculty Board. Such applicants may be required to register additionally to the first year LL B modules, for modules of the B Juris programme not covered in their previous studies. The number of such modules shall not exceed three (3) or 48 credits.

I.1.3 Should the Faculty decide that the student has to register for more than three (3) modules i.e 48 credits, as prescribed in rule I.1.2 above, from the modules prescribed for the degree of B Juris, such a student shall be allowed to register only for the said modules after the completion of which he/she shall be admitted to the programmes of the LL B (Honours).

NB: Students are advised that the LL B (Honours) degree is the qualification for admission to the JTC for the purpose of pursuing the training programme stipulated under the Legal Practitioners Act, 15 of 1995 as one of the requirements to practice law in Namibia.

I.1.4 A student who registered for full time studies cannot change to part time studies during the course of the year of registration. The same rule applies (*a fortiori*) to a student who registered for part time studies

I.2 DURATION OF STUDY

I.2.1 The full time LL B (Honours) programme extends over a period of at least two (2) years.

I.2.2 The maximum period of study for the full time LL B (Honours) programme is four (4) years.

I.2.3 The said periods may only be exceeded with the authority of Senate.

I.3 CURRICULUM COMPILATION

The curriculum for the full time LL B (Honours) degree is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Weeks	Credits
1	Credit Agreements	LCCA 3741	Semester 1	7	2/14	8
1	Customary Law IV	LJCU 3741	Semester 1	7	2/14	8
1	Insurance Law	LCIN 3741	Semester 1	7	2/14	8
1	Maritime Law	LCMA 3741	Semester 1	7	2/14	8
1	Conveyancing & Notarial Practice	LPCN 3752	Semester 2	7	2/14	16
1	Law of Insolvency	LCIS 3742	Semester 2	7	2/14	8
1	Negotiable Instruments	LCNI 3742	Semester 2	7	2/14	8
1	Administrative Law	LJAD 3750	Semester 1 & 2	7	4/28	32
1	Company Law	LCCO 3740	Semester 1 & 2	7	2/28	16
1	Environmental Law	LJEN 3740	Semester 1 & 2	7	2/28	16
1	Private International Law	LPPR 3740	Semester 1 & 2	7	2/28	16
1	Public International Law	LJPU 3740	Semester 1 & 2	7	2/28	16
TOTAL CREDITS FOR 1ST YEAR						160
2	Comparative Law	LJCO 3861	Semester 1	8	2/14	8
2	Law of Succession	LPSU 3861	Semester 1	8	2/14	8

2	Mediation and Alternative Dispute Settlement	LCMD 3861	Semester 1	8	2/14	8
2	Public Law Aspects of International Trade	LJPA 3862	Semester 2	8	2/14	8
2	Tax Law	LCTX 3862	Semester 2	8	2/14	8
2	Accountancy for Lawyers	LCAC 3870	Semester 1 & 2	8	4/28	32
2	Criminology & Crime Prevention	LJCC 3860	Semester 1 & 2	8	2/28	16
2	International Economic Law	LCIE 3860	Semester 1 & 2	8	2/28	16
2	Jurisprudence	LJJU 3860	Semester 1 & 2	8	2/28	16
2	LL B Dissertation	LJDI 3860	Semester 1 & 2	8	2/28	16
2	Legal Aid Clinic	LPLC 3870	Semester 1 & 2	8	4/28	32
TOTAL CREDITS FOR 2ND YEAR						168
OVERALL NUMBER OF CREDITS FOR LL B						328

I.4 RESTRICTION ON MODULES – CO-REQUISITES AND PRE-REQUISITES

Co-requisites: A must have a continuous assessment mark of at least 40% (i.e. examination admission) in a module to be allowed to continue with any module for which the first one is a co-requisite.

Pre-requisites: Before a student can continue with a subsequent module, the preceding relevant module must be passed.

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module.

FIRST YEAR:

Modules		Pre-Requisites	
LCCA 3741	Credit Agreements	LCCT 3510	Law of Contract
LJCU 3741	Customary Law IV	LJCU 3722	Customary Law III
LCIN 3741	Insurance Law	LCCT 3510	Law of Contract
LPCN 3752	Conveyancing and Notarial Practice	LPPR 3630	Law of Property
LCIS 3742	Law of Insolvency	LCCT 3510	Law of Contract
LCNI 3742	Negotiable Instruments	LCCT 3510	Law of Contract

SECOND YEAR:

Modules		Pre-Requisites	
LPLC 3870	Legal Aid Clinic	LPPS 3720	Practical Legal Studies

I.5 EXAMINATION REGULATIONS

See **General Information and Regulations Prospectus** for Special Regulations.

I.6 ACADEMIC ADVANCEMENT RULES

A student is eligible to register for his/her subsequent year of study if he/she has,

- I.6.1 at the end of the first year, passed 112 credits out of the ten 160 credits prescribed for the first year
- I.6.2 a student admitted to the LL B (Hounours) programme with outstanding modules for the degree of B Juris (Rule G.1.1) shall not be eligible to register for his/her second year of LL B studies unless he/she passed all modules prescribed for the degree of B Juris
- I.6.3 at the end of the second year, passed all outstanding modules in order to be awarded the LL B (Honours) degree.

I.7 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

A student will not be re-admitted into the Faculty unless s/he passed at least:

- I.7.1 48 credits by the end of the first year of registration

- I.7.2 128 credits by the end of the second year of registration
- I.7.3 The above-mentioned implies that a student who does not complete the LL B (Honours) degree within the prescribed duration of study, has two years left to complete the remaining 216 credits.
- I.7.4 A student may only register for a maximum of two times for the same year of study. This is subject to the duration of study for the full time LL B (Honours) degree. The maximum duration of study for the full time LL B (Honours) is four (4) years.

I.8 AWARDING OF THE DEGREE OF LL B (HONOURS)

- I.8.1 A student shall be awarded the degree of LL B (Honours) if he/she passed all prescribed modules (344 credits).

I.9 LL B DISSERTATION REGULATIONS (LJDI 3860)

See J.9 for LL B Dissertation regulations.

I.10 MODULE DESCRIPTORS

See J.10 for module descriptors of LL B (Honours) full time and part time

J. BACHELOR OF LAWS (LL B) (HONOURS) – PART TIME

PHASING OUT – NO NEW INTAKE AS FROM THE 2011 ACADEMIC YEAR

J.1 ADMISSION

J.1.1 A student is eligible to register for the part time programme of LL B (Honours) if he/she was awarded the degree of B Juris of the University of Namibia, or at the end of his/her fourth year of studies for the degree of B Juris on part time at UNAM, passed 32 credits out of the 80 credits prescribed for the fourth year of registration on part time, provided that all outstanding modules prescribed for the first year of registration, second year of registration and third year of registration have been passed OR passed five 88 credits out of the 136 credits prescribed for full time studies, provided that all outstanding first and second year modules have been passed.

J.1.2 Subject to the general rules for admission, applicants for admission to the LL B (Honours) programme and holding the degree of B Juris or equivalent from Universities other than the University of Namibia may be admitted to the LL B (Honours) programme by Senate on the recommendation of the Faculty Board. Such applicants may be required to register additionally to the modules prescribed for the first year of registration for the LL B (Honours), for modules of the B Juris programme not covered in their previous studies. The number of such modules shall not exceed three (3) or 48 credits.

J.1.3 Should the Faculty decide that the student has to register for more than three (3) modules (48 credits), as prescribed in rule J.1.2 above, from the modules prescribed for the degree of B Juris, such a student shall be allowed to register only for the said modules after the completion of which he/she shall be admitted to the programme of the LL B (Honours).

NB: Students are advised that the LL B (Honours) degree is the qualification for admission to the JTC for the purpose of pursuing the training programme stipulated under the Legal Practitioners Act, 15 of 1995 as one of the requirements to practice law in Namibia.

J.1.4 A student who registered for part time studies cannot change to full time studies during the course of the year of registration. The same rule applies (*a fortiori*) to a student who registered for full time studies.

J.2 DURATION OF STUDY

J.2.1 The part time LL B (Honours) programme extends over a period of at least three (3) years.

J.2.2 The maximum period of study for the part time LL B (Honours) programme is five (5) years.

J.2.3 The said periods may only be exceeded with the authority of Senate.

J.3 CURRICULUM COMPILATION

The curriculum for the part time LL B (Honours) degree is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours	Credits	NO NEW INTAKE FOR 2011
1	Administrative Law	LJAD 3750	Semester 1 & 2	7	4/28	32	
1	Company Law	LCCO 3740	Semester 1 & 2	7	2/28	16	
1	Conveyancing & Notarial Practice	LPCN 3752	Semester 2	7	4/14	16	
1	Credit Agreements	LCCA 3741	Semester 1	7	2/14	8	
1	Customary Law IV	LJCU 3741	Semester 1	7	2/14	8	
1	Law of Insolvency	LCIS 3742	Semester 2	7	2/14	8	
1	Private International Law	LPPR 3740	Semester 1 & 2	7	2/28	16	
TOTAL CREDITS FOR 1ST YEAR OF REGISTRATION:						104	
2	Environmental Law	LJEN 3740	Semester 1 & 2	7	2/28	16	
2	Insurance Law	LCIN 3741	Semester 1	7	2/14	8	
2	Maritime Law	LCMA 3741	Semester 1	7	2/14	8	
2	Negotiable Instruments	LCNI 3742	Semester 2	7	2/14	8	
2	Public International Law	LJPU 3740	Semester 1 & 2	7	2/28	16	
2	Tax Law	LCTX 3862	Semester 2	8	2/14	8	
2	Accountancy for Lawyers	LCAC 3870	Semester 1 & 2	8	4/28	32	
2	Criminology & Crime Prevention	LJCC 3860	Semester 1 & 2	8	2/28	16	

TOTAL CREDITS FOR 2ND YEAR OF REGISTRATION:						112
3	Comparative Law	LJCO 3861	Semester 1	8	2/14	8
3	International Economic Law	LCIE 3860	Semester 1 & 2	8	2/28	16
3	Jurisprudence	LJJU 3860	Semester 1 & 2	8	2/28	16
3	Law of Succession	LPSU 3861	Semester 1	8	2/14	8
3	LL B Dissertation	LJDI 3860	Semester 1 & 2	8	2/28	16
3	Mediation and Alternative Dispute Settlement	LCMD 3861	Semester 1	8	2/14	8
3	Legal Aid Clinic	LPLC 3870	Semester 1 & 2	8	4/28	32
3	Public Law Aspects of International Trade	LJPA 3862	Semester 2	8	2/14	8
TOTAL CREDITS FOR 3RD YEAR OF REGISTRATION:						112
OVERALL NUMBER OF CREDITS FOR LL B PART TIME						328

J.4 RESTRICTION ON MODULES – CO-REQUISITES AND PRE-REQUISITES

Co-requisites: A student must have a continuous assessment mark of at least 40% (i.e. examination admission) in a module to be allowed to continue with any module for which the first one is a co-requisite.

Pre-requisites: Before a student can continue with a subsequent module, the preceding relevant module must be passed.

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module.

FIRST YEAR OF REGISTRATION:

Modules	Pre-Requisites
LCCA 3741 Credit Agreements LJCU 3741 Customary Law IV LPCN 3752 Conveyancing. and Notarial Practice LCIS 3742 Law of Insolvency	LCCT 3510 Law of Contract LJCU 3602 Customary Law III LPPR 3630 Law of Property LCCT 3510 Law of Contract

SECOND YEAR OF REGISTRATION:

Modules	Pre-Requisites
LCIN 3741 Insurance Law LCNI 3742 Negotiable Instruments	LCCT 3510 Law of Contract LCCT 3510 Law of Contract

THIRD YEAR OF REGISTRATION:

Modules	Pre-Requisites
LPLC 3870 Legal Aid Clinic	LPPS 3720 Practical Legal Studies

J.5 EXAMINATION REGULATIONS

See **General Information and Regulations Prospectus** for Special Regulations.

J.6 ACADEMIC ADVANCEMENT RULES

A student is eligible to register for his/her subsequent year of study if he/she has,

- J.6.1 at the end of the first year of registration, passed 64 credits out of the 104 credits prescribed for the first year of registration.
- J.6.2 at the end of the second year of registration, passed 72 credits out of the 112 credits prescribed for the second year of registration.

- J.6.3 a student admitted to the part time LL B (Honours) programme with outstanding modules for the degree of B Juris (Rule J.1.1) shall not be eligible to register for his/her third year of registration for the LL B studies unless he/she passed all modules prescribed for the degree of B Juris.

J.7 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

A student will not be re-admitted into the Faculty unless s/he passed at least:

- J.7.1 32 credits by the end of the first year of registration
- J.7.2 112 credits by the end of the second year of registration.
- J.7.3 192 credits by the end of the third year of registration.
- J.7.4 The above-mentioned implies that a student who does not complete the LL B (Honours) degree within the prescribed duration of study, has two years left to complete the remaining 152 credits.
- J.7.5 A student may only register for a maximum of two times for the same year of study. This is subject to the duration of study for the part time LL B (Honours) degree. The maximum duration of study for the part time LL B (Honours) degree is five (5) years.

J.8 AWARDING OF THE DEGREE OF LL B (Honours)

- J.8.1 A student shall be awarded the degree of LL B (Honours) if he/she passed all prescribed modules (344 credits).

J.9 LL B DISSERTATION REGULATIONS (LJDI 3860)

J.9.1 INTRODUCTION

All LL B students are required to write a dissertation in their final year. In order to expose students to various research techniques, lectures and/or seminar on research methods will be conducted during the first semester of the first year of the LL B programme.

In writing the dissertation, the student should seek to provide clear analytical methodology and clearly articulated theoretical perspectives on the subject matter. The dissertation may not be wholly theoretical, but it should have a theoretical component in examining the problem area chosen.

J.9.2 SELECTION OF TOPICS

Subject to availability of supervisors, any area of law may be selected as a dissertation topic.

J.9.3 SUPERVISION

Each student will, as far as possible, and depending on the lecturer's expertise, be allowed to have a supervisor of his/her own choice. Where a student is unable to secure a supervisor of his/her own choice, the co-ordinator of the module "LL B Dissertation" shall allocate a supervisor to the student. The co-ordinator reserves the right, in appropriate circumstances, to re-allocate a supervisor to the student.

J.9.4 STAGES OF DISSERTATION

The writing of a dissertation is a yearlong process which requires self-discipline and organisation. To ensure that the highest quality work possible is produced, students are required to submit three preliminary documents during the course of the year indicating the progress they have made. Each student must produce each of the three documents by the dates specified. Students should please note:

- J.9.4.1 All documents from the general proposal to the final dissertation are to be handed to the Faculty and each student must ensure that he/she signs against his/her name on the list provided by the Faculty. The documents shall then be distributed to the lecturers concerned by the co-ordinator.
- J.9.4.2 All documents shall contain
- the title of the dissertation,
 - the student's name,
 - the supervisor's name, and
 - the date of submission.
- J.9.4.3 The usual academic rules on citation of works consulted are to be fully complied with. Plagiarism - the passing off of the thoughts and ideas of others as one's own, - whether deliberate or not, will be severely penalised.

J.9.5 DISSERTATION TIMETABLE

The following is the timetable for the completion of the various stages involved in the writing of the dissertation:

J.9.5.1 GENERAL PROPOSAL

- J.9.5.1.1 All lecturers shall be available to discuss possible dissertation topics with students during the first term. At the end of this period, students shall be required to submit a (typed) General Proposal for a dissertation.
- J.9.5.1.2 This should be about 500 words in length, and contain a general statement of the problem to be researched as well as a brief description of likely methods (e.g. archival research, questionnaire, library research, field research through interviews or survey).
- J.9.5.1.3 It is the duty of every student to arrange appointments with the chosen supervisor to discuss the proposed research topic prior to submission to the Faculty. The supervisor shall ensure that the topic chosen is both viable and relevant to the academic and research concern of the Faculty.
- J.9.5.1.4 The co-ordinator shall, immediately after the submission of the General Proposals, convene a meeting (Dissertation Committee) of all supervisors where each dissertation topic shall be reviewed and approved, amended or rejected. The Dean shall be ex-officio member of the Dissertation Committee. He/she may appoint any other Faculty member to sit on the Committee on his/her behalf.
- J.9.5.1.5 Where a proposed research area has already been covered in a previous dissertation, the student concerned shall not be allowed to undertake research in that area.
- J.9.5.1.6 A final list of students, supervisors and topics chosen shall be published.
- J.9.5.1.7 Changes of topics or supervisors shall only be allowed before the date of submission of the detailed proposal. Reasons shall be given by the student for the intended change in writing. The Dissertation Committee shall decide on the proposed change. No further change will be allowed after the date of submission of the detailed proposal.

Date of Submission: 04 March 2011

J.9.5.2 DETAILED PROPOSAL

- J.9.5.2.1 The detailed proposal (typed) is a fuller statement of the research topic. It should be drawn up after consultation with the supervisor. It should be about 1000 words in length, and contain a statement of the topic of the research, research methods to be used and a list of the main scholarly works which will be consulted.
- J.9.5.2.2 It is the duty of every student to arrange appointments with the chosen supervisor to discuss the progress of the work and problems, as the case may be.
- J.9.5.2.3 The Detailed Proposal shall be submitted to the Faculty. The co-ordinator shall, immediately after the submission of the Detailed Proposals, convene a meeting of the Dissertation Committee where the Detailed Proposal shall be reviewed and approved, amended or rejected.

Date of Submission: 08 April 2011

J.9.5.3 DRAFT DISSERTATION

- J.9.5.3.1 The bulk of the research should be carried out during the second term. The (typed) draft of the dissertation shall, as far as possible, be a full-length presentation of all the arguments and points to be made in the final dissertation. The usual rules about footnotes, quotation marks and references, apply to the draft.
- J.9.5.3.2 It is the duty of every student to arrange appointments with the chosen supervisor to discuss the work done and problems, as the case may be. The Draft Dissertation shall be read and commented on by the co-ordinator.
- J.9.5.3.3 The Draft Dissertation shall be submitted to the Faculty. The co-ordinator shall, immediately after the submission of the Draft Dissertations, convene a meeting of the Dissertation Committee of all supervisors where the Draft Dissertations shall be reviewed and approved, amended or rejected.

Date of Submission: 31 August 2011

J.9.5.4 DISSERTATION

- J.9.5.4.1 The completed dissertation must:
- be of a minimum of 10,000 words but not exceeding 20,000 words in length,
 - be properly footnoted,
 - contain a full and properly referenced bibliography, and

- be in one-and-half or double-spaced typing,
- contain the properly filed form attached as Schedule A.

J.9.5.4.2 The Dissertation shall be submitted to the Faculty in three copies plus an electronic copy on CD.

Date of Submission: 21 October 2011

J.9.6 MARKING

J.9.6.1 To ensure maximum consistency of marking across different supervisors, the following shall be taken into account:

- theoretical and methodological clarity,
- originality of arguments,
- quality and synthesis of research,
- quantity of research,
- orderly nature of presentation,
- footnotes, bibliography, language use, and
- overall quality.

J.9.6.2 The Faculty shall submit one copy directly to the co-ordinator and two copies to the Examinations Department, which in turn will provide the supervisor and the external examiner of the respective subjects with a copy.

J.9.6.3 The dissertation shall be read by the co-ordinator who will pass his/her comments on to the supervisor. The supervisor and the external examiner shall mark the dissertation thereafter. Otherwise, the examination rules of the UNAM shall apply as the case may be.

J.9.7 LATE SUBMISSION, FAILURE OF SUBMISSION, FAILURE OF PASS MARK

J.9.7.1 A student may not proceed to the next stage without submitting a document required at an early stage, e.g. a student cannot proceed to the first draft without submitting a detailed proposal. Failure to submit the draft dissertation or the main dissertation shall mean the student will have failed the course.

J.9.7.2 Supervisors may at their discretion and in consultation with the co-ordinator give reasonable extensions (not more than 7 days in each case) in deserving cases. The supervisor shall, at each stage, ensure that the students supervised by him/her submit documents on the required dates and also ensure that where extensions are granted students adhere to the period of the extensions.

J.9.7.3 If the late or non-submission is the result of illness or some other excusable cause a student shall be required to substantiate it with medical or other satisfactory evidence.

J.9.7.4 Subject to Rule H.2 for full time studies and Rule I.2 for part time studies (Duration of Study) of the Faculty of Law, a student who received a mark of less than 50% and more than 44% for his/her Dissertation shall be allowed to re-register for Dissertation in the following Academic Year and to submit an amended version of his/her original Dissertation within four months.

A student who received a mark of 44% or less in his/her original Dissertation shall be allowed to re-register for Dissertation and to proceed as stipulated in these Regulations and the Rules of the Faculty concerning failure of courses.

A student who fails to obtain a pass mark in his/her amended version of his/her Dissertation shall be allowed to proceed with Dissertation and to submit a Dissertation on a different subject in accordance with the Dissertation Regulations before the end of the respective academic year.

SCHEDULE A

The first page of the Dissertation shall contain the following signed and dated declaration:

"I the undersigned, hereby declare that the work contained in this dissertation for the purpose of obtaining my degree of LL B is my own original work and that I have not used any other sources than those listed in the bibliography and quoted in the references."

Signature:

Date:

Supervisor's Certificate:

I, (name of supervisor) hereby certify that the research and writing of this dissertation was carried out under my supervision.

Supervisor's signature:
Date:

BACHELOR OF LAWS (LL B) (HONOURS) – FULL TIME AND PART TIME

FIRST YEAR MODULES:

J.10.1 Module Title: ADMINISTRATIVE LAW

Module Code: LJAD 3750

NQF level: 7

Contact hours: Four hours per week lectures – 28 Weeks

Credits: 32

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module Description: The module will introduce Administrative Law viz. its nature, scope, purpose and contemporary significance. It will *inter alia* cover the following issues:

- The nature, scope and sources of administrative law;
- Administrative law relationships
- The legal subjects of the administrative law relationship
- Administrative action
- Requirements for valid administrative action
- Judicial control of administrative action;
- State liability for administrative action;
- Regional and Local Government law;
- Selected areas of special administrative law (e.g. Delegated legislation, Law of Tribunals, The Ombudsman, Parastatals)

J.10.2 Module Title: COMPANY LAW

Module Code: LCCO 3740

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 16

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module Description: The module will *inter alia* cover the following issues:

- Legal personality
 - Piercing the corporate veil
 - Pre-incorporation contracts
 - The rights and duties of directors
 - The *ultra vires* doctrine and its evolution
 - The doctrine of constructive notice
 - The Turquand Rule
 - Share capital and capital maintenance
 - Members of the company and their rights
 - Majority rule and Minority protection
 - A comparison of the Companies Act 61 of 1973 and the Companies Act 28 of 2004
-

J.10.3 Module Title: CONVEYANCING AND NOTARIAL PRACTICE

Module Code: LPCN 3752

NQF level: 7

Contact hours: Four hours per week lectures – 14 Weeks

Credits: 16

Module Assessment: Continuous Assessment (minimum two tests and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: Law of Property (LPPR 3630)

Module Description: The module will *inter alia* cover the following areas:

- General rules relating to preparation of deeds and documents;
- Deed of transfer;
- Power of attorney;
- Certificate of registered title;
- Certificate of consolidated title;
- Bonds;
- Servitudes;
- Sectional titles;
- Origin and development of the notarial office;
- Admission, suspension and removal of notaries;
- Drafting of documents;
- Authentication of documents;
- Commissioner of oaths;
- Antenuptial contracts;
- Donations;
- Trusts;
- Notarial bonds;
- Contracts relating to prospecting and mining leases;
- Powers of attorney;
- Wills;
- Bills of exchange and promissory notes;
- Maritime bonds and ships protests;
- Stamp duty.

J.10.4 Module Title: CREDIT AGREEMENTS

Module Code: LCCA 3741

NQF level: 7

Contact hours: Two hours per week lectures – 14 Weeks

Credit: 8

Module Assessment: Continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: Law of Contract (LCCT 3510)

Module description: The module will *inter alia* cover the following issues:

- The origin of instalments sales
- The purpose of credit/ consumer legislation
- An in-depth study of the Credit Agreements Act 75 of 1980
- The common doctrine of *pactum reservati dominii*
- The doctrine of substance versus form as it relates to credit agreements

J.10.5 Module Title: CUSTOMARY LAW IV

Module Code: LJCUC 3741

NQF level: 7

Contact hours: Two hours per week lectures – 14 Weeks

Credits: 8

Module assessment: One test (optional) and a research project with 25 000 characters (or 15 single spaced pages) in length contributes forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: Customary Law III (LJCUC 3722)

Module description: The module deals with the general theoretical and legal framework in which traditional authorities and African customary law are operating, paying special attention to legal comparative aspects. The module covers:

- The possible models to accommodate traditional authority and African customary law in the overall political and governmental system;
- The theory and practice of the concept of legal pluralism;
- The need to develop African customary law and its developmental potential; and
- Human rights and African customary law.

J.10.6 Module Title: ENVIRONMENTAL LAW
(Second year module in the part time programme)

Module Code: LJEN 3740

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 16

Module assessment: Continuous assessment (minimum two tests and two assignments) will contribute fifty percent (50%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute fifty percent (50%) to the final mark.

Prerequisite: None

Module description: The module will cover *inter alia*:

- Concept and Scope of the Environment and its law
- Foundations and Functions of International Environmental Law
- Sources of international and national Environmental Law
- International institutions
- Principles of International Environmental Law
- Compliance and dispute settlement
- Criminal aspects of Environmental Law
- Sectoral and trans sectoral regulation (national and international)

J.10.7 Module Title: LAW OF INSOLVENCY

Module Code: LCIS 3742

NQF level: 7

Contact hours: Two hours per week lectures – 14 Weeks

Credit: 8

Module Assessment: Continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: Law of Contract (LCCT 3510)

Module Description: The module will *inter alia* cover the following issues:

- Voluntary Surrender
- Compulsory Sequestration
- Effects of sequestration
- The position of the solvent spouse
- Compromises
- Realization and Distribution
- Rehabilitation
- Offences
- Winding up of Companies and closes corporation

J.10.8 Module Title: **INSURANCE LAW**
(Second year module in the part time programme)

Module Code: LCIN 3741

NQF level: 7

Contact hours: Two hours per week lectures – 14 Weeks

Credit: 8

Module Assessment: Continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: Law of Contract (LCCT 3510)

Module Description: The module will *inter alia* cover the following issues:

- The principles of insurance law
- Sources of insurance law
- Insurable interest
- The duty of good faith
- Warranties
- Agency
- Rights & duties of the parties
- The duty of disclosure
- Risk & causation
- Reinsurance, over insurance & underinsurance
- Different types of insurance

J.10.9 Module Title: **MARITIME LAW**
(Second year module in the part time programme)

Module Code: LCMA 3741

NQF level: 7

Contact hours: Two hours per week lectures – 14 Weeks

Credit: 8

Module Assessment: Continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module Description: The module will *inter alia* cover the following issues:

- The nature and origins of maritime law
- The place of maritime law in Namibia
- Admiralty
- Jurisdiction
- The contract of affreightment

J.10.10 Module Title: **NEGOTIABLE INSTRUMENTS**
(Second year module in the part time programme)

Module Code: LCNI 3742

NQF level: 7

Contact hours: Two hours per week lectures – 14 Weeks

Credit: 8

Module Assessment: Continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: Law of Contract (LCCT 3510)

Module Description: The primary objective of the module is to introduce the students to the study of Negotiable Instruments and to this end a detailed study of the Bills of Exchange Act is of utmost importance.

The module has been organized as follows:

- Background
 - Characteristics of Negotiability
 - Functions of Negotiable Instruments
- Types of Negotiable Instruments
- Parties
 - The Necessary Parties
 - Other Parties
 - Capacity
- Form
- Essential Elements
 - Additional Elements
- The Cambial Obligation
- Signature
 - Delivery
 - Issue, Negotiation, Endorsement and Reissue
 - Acceptance
- Value
- Holder
 - The Holder in Due Course
 - Defences to and Action by the Holder or Holder in Due Course
- Inchoate Instruments
- Liabilities of Parties
- Duties of the Holder
- Cheques
 - The Bank/Customer Relationship
 - Crossing of cheques
- Discharge of Negotiable Instruments

J.10.11 Module Title:

PRIVATE INTERNATIONAL LAW

Module Code: LPPR 3740

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 16

Module Assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The purpose of the module is to introduce students to general principles of private international law and will *inter alia* cover the following:

- An introduction to the classification of private international law within the legal system, the choice of law methodology and substance and procedure.
- Family Law in terms of the validity of a marriage, the legal consequences of a marriage – propriety and personal consequences, the status of legitimacy and the recognition and enforcement of foreign maintenance orders and divorce orders.
- Law of Succession - Administration and succession distinguished, the general doctrine applicable to succession on death in the conflict of laws, interstate succession (ab intestate), testate succession and the revocation of wills.
- Under Law of Obligations, the following areas will be covered:
 - Law of Contract
 - The proper law of contract – express or tacit choice of law by the parties
 - (party autonomy)
 - No choice of law by parties.
 - The subject approach.
 - The objective approach.
 - An evaluation of the subject and objective approaches.
 - Specified aspects of international students.
 - Replacement of the proper law by another legal system.
 - Law of Delict
 - Choice of law rules in respect of the legal system.
 - The Recognition and Enforcement of Foreign Judgements, which will include claims sounding money, matrimonial actions, judgments in respect of money and the requirement of finality.
 - The Historical and Theoretical Principles which underpin the subject private international law
 - Classification of characterisation
 - *Renvoi*, which will cover the nature of *the renvoi* (literally: a “reference-back”) problem, the dimensions of the “*renvoi*-theories” and the position regarding the “*renvoi*-theories” in South Africa/Namibia.
 - The incidental question: The nature of problem illustrated, academic opinion and the resolution of the problem and the position in South Africa/Namibia.
 - Proof of foreign law
 - Foreign law as a fact.
 - Method of Proof.
 - The duty of our courts.
 - Burden of proof.
 - The role of forum
 - Substance and procedure.
 - Evidence
 - Remedies and damages.
 - The exclusion of foreign law.

J.10.12 Module Title: PUBLIC INTERNATIONAL LAW
(Second year module in the part time programme)

Module Code: LJPU 3740

NQF level: 7

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 16

Module Assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module includes *inter alia* the following:

- Nature and History of Public International Law
 - Subjects of Public International Law
 - Recognition of States and Governments
 - Sources of Public International Law
 - Public International Law in Municipal Law
 - Rights and duties of states
 - State Responsibility
 - The United Nations
 - Dispute Settlement and Jurisdiction
 - Humanitarian International Law
 - International Crimes and the International Criminal Court
 - Diplomatic Law and the Law of Treaties
 - Law of the Sea
 - Air and Space Law
-

SECOND YEAR MODULES:

J.10.13 Module Title: ACCOUNTANCY FOR LAWYERS

Module Code: LCAC 3870

NQF level: 8

Contact hours: Four contact periods per week – 28 Weeks

Credits: 32

Module assessment: Continuous assessment mark (minimum of two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will cover *inter alia*:

- The nature and function of accounting
- Accounting terms and concepts – Acts and rules
- The double entry system
- Books of prime entry (subsidiary journals)
- Ledger accounts
- Cash controls and bank reconciliation procedures
- Control accounts
- Adjustment of accounts
- Preparation of financial accounts
- Correspondent accounts
- Partnership accounts
- Elementary Companies accounts
- Analysis and interpretation of financial statements

J.10.14 Module Title: COMPARATIVE LAW (Third year module in the part time programme)

Module Code: LJCO 3861

NQF level: 8

Contact hours: Two hours per week lectures – 14 Weeks

Credits: 8

Module Assessment: Continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the first semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will introduce Comparative Law, its nature, purpose and contemporary significance. It will *inter alia* cover the following issues:

- The Classification of Legal Systems
- Comparative Law Techniques
- Comparative Judicial Styles
- The Civil Law System
- The Common Law System
- Socialist Law
- Religious Legal Systems
- Legal Systems in Africa
- Namibia – a legal hybrid
- Unification of legal systems – a new world order?

J.10.15 Module Title:

CRIMINOLOGY AND CRIME PREVENTION

Module Code: LJCC 3860

NQF level: 8

Contact hours: Two hours per week lectures – 28 weeks

Credits: 16

Module assessment: Continuous assessment mark (minimum of two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module will cover *inter alia*:

- Introduction to Criminology and Crime Prevention
- The nature, history and meaning of deviancies and societal reaction to deviance
 - Social reaction perspective
 - Social reaction (Power Conflict theories) perspective
- Sociological, psychological and biological aspects of criminality
 - Deterrence theory and rational choice perspective
 - Biological and Psychological perspective
 - Structural Functionalism (Social Structure) perspective
 - Symbolic Interactionalism (Social Process) perspective
 - Feminist and Control perspectives
- Social and legal measures to prevent crime
- Theories of Crime
- The incidence of crime in Namibia
- The Criminal Justice System and institutions
- Crime Control and the punishment of offenders

J.10.16 Module Title:

INTERNATIONAL ECONOMIC LAW
(Third year module in the part time programme)

Module Code: LCIE 3860

NQF level: 8

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 16

Module Assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module provides a basic understanding of the role which law plays in the international economic system emphasizing practical application and theory of international business law and covering *inter alia* the following issues:

- Introduction to International Law
- Responsibilities of states for the treatment of aliens and foreign businesses
- Dispute Settlement
- The Multinational Enterprise
- Foreign Investment
- Money and Banking
- Trade in Goods, Services, Labor and Intellectual Property
- Sales
- Transportation
- Financing, Taxation and Credits

J.10.17 Module Title: JURISPRUDENCE
(Third year module in the part time programme)

Module Code: LJJU 3860

NQF level: 8

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 16

Module assessment: Continuous assessment (minimum two tests and an oral cum written presentation will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module covers, in particular:

- The nature and scope of jurisprudence;
- The nature and meaning of law; and
- The most important western and nonwestern legal philosophical approaches to law and state

J.10.18 Module Title: LAW OF SUCCESSION
(Third year module in the part time programme)

Module Code: LPSU 3861

NQF level: 8

Contact hours: Two hours per week lectures – 14 Weeks

Credits: 8

Module assessment: The continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a two hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None.

Module description: During the course of the module, the following areas will be covered:

- The nature, scope, and historical background of the Law of Succession.
- Definitional and conceptual narratives: deceased estate, executor, intestate and testate succession, legacy, heir, collation, legal dominium, executors testamentary & dative, administrators, etc.
- Intestate succession; partial & total intestacy, the origin of intestate succession, the general principles re intestacy;
- Order of Succession on Intestacy in our jurisdiction; intestacy in cases where there are descendants with no surviving spouse; where there no descendants nor surviving spouses; no descendants of the deceased and no parents or their descendants; etc.
- Presumption regarding sequence of death.
- Testamentary Succession (General principles applicable to Wills), see the Wills Act,
- Substitutes for Wills (*Donationes inter vivos* and formalities therefore; Nominations; Life Insurances; *Donationes Mortis causa*; Imperfect gifts; Contracts to make a will or leave property by will; and joint tenancies).
- The relationship between customary law succession and Roman-Dutch Law derived succession.

J.10.19 Module Title: LL B DISSERTATION
(Also note J.9)
(Third year module in the part time programme)

Module Code: LJDI 3860

NQF level: 8

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 16

Module assessment: Research paper (LL B dissertation) with a minimum length of 10 000, but not exceeding 20 000 words contributes 100 percent (100%) to the final mark.

Examination: No additional examination is required.

Pre-requisite: None

Module description: The module assists the student reading for the LL B Dissertation (see H.9 of the Faculty of Law Regulations) in determining the topic of the dissertation, in preparing and conducting the necessary research and in drafting the dissertation.

J.10.20 Module Title: MEDIATION AND ALTERNATIVE DISPUTE SETTLEMENT
(Third year module in the part time programme)

Module Code: LCMD 3861

NQF level: 8

Contact hours: Two hours per week lectures – 14 Weeks

Credits: 8

Module Assessment: The continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: The module examines mediation from a multidisciplinary perspective, exploring how theories of communication, social psychology, sociology, political science, business management and legal studies can contribute to the understanding of mediation and its (legal) practice. Topics to be covered include *inter alia*:

- Understanding Conflict
- Dispute Resolution Methods
- Mediation and Negotiation
- The Mediation Process
- Convening a Mediation
- Communication Skills
- Managing the Interaction
- Mediation and Justice
- Mediation and the Legal Profession
- Mediation and Litigation
- Legal areas of Mediation
- Intercultural and other fields of Mediation

J.10.21 Module Title: LEGAL AID CLINIC
(Third year module in the part time programme)

Module Code LPLC 3870

NQF level: 8

Contact hours: Two hours per week lectures/two hours per week practical training – 28 weeks

Credits: 32

Module Assessment: Assessment will be based on a student's performance in file management, drafting and quality of statement, consultation technique and verbal skills, ability to assess and attend to file problems and sense of responsibility and reliability, moot court.

Continuous assessment will contribute hundred percent (100%) to the final mark.

Prerequisite: Practical Legal Studies

Module description: The primary objective and/or outcome of the module is to train final year LL B students skills required for legal practice. The module will further cover work in the Legal Aid Clinic and preparations of legal documents and the giving of advice to indigent members of the community. Therefore, each student is required to attend to clients in the Legal Aid Clinic in accordance with a prepared schedule.

This module has been arranged as follows:

- Civil trials: Selected topics, including a complete simulation;
- Trial skills: Interviews, consultation for trials, statement taking, theory of the case, evidence-in-chief, examination, argument, judgement and appeals;
- Motion Court: Selective topics, including provisional sentence, sequestration, applications, Rule 43 and Edictal citation;
- Legal Writing: Drafting letters, legal opinions, affidavits, heads of argument and pleadings;
- Legal Research, critical reasoning and alternative dispute resolution (ADR);
- Introduction to civil court procedure;
- Detailed study of criminal court practice and labour court;
- Professional ethics.

**J.10.22 Module Title: PUBLIC LAW ASPECTS OF INTERNATIONAL TRADE
(Third year module in the part time programme)**

Module Code: LJPA 3862

NQF level: 8

Contact hours: Two hours per week lectures – 28 Weeks

Credits: 8

Module Assessment: Continuous assessment (minimum two tests and two assignments) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module description: This module deals with the Public International Law principles governing trade among states. The focus is primarily on the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). The treaties establishing them contain the principles and mechanisms regulating inter-state trade. The theory behind international trade is explained, as well as the present nature of the international economic order. This includes institutional arrangements and the dispute solving mechanisms of the WTO. The principles governing trade in goods (GATT), in services (GATS) and with respect to the protection of intellectual property (TRIPS) are discussed. Regional trade arrangements (SADC, SAQA e.g.) are examined with reference to, *inter alia*, Namibia's position. The constitutional provisions on the incorporation of international trade obligations into the domestic sphere are explained.

J.10.23 Module Title: TAX LAW

Module Code: LCTX 3862

NQF level: 8

Contact hours: Two hours per week lectures – 14 Weeks

Credits: 8

Module Assessment: The continuous assessment (minimum one test and one assignment) will contribute forty percent (40%) to the final mark.

Examination: The module will be examined with a three hour paper at the end of the second semester. The examination mark will contribute sixty percent (60%) to the final mark.

Prerequisite: None

Module Description: The module will *inter alia* cover the following issues:

- The basis of taxation
- The tax formula
- The basic principles of taxation
- Income tax
- Capital Gains Tax
- Taxation of companies and close corporations
- Taxation of individuals and partnerships
- The process of taxation
- Value Added Tax

K. MASTER OF LAWS (BY RESEARCH) (LL M) 16MLAW

The Faculty of Law offers a Master of Laws degree which shall be examined by research only in any field of law approved by the Faculty.

It is imperative that the information pertaining to the LL M (by research) be read in conjunction with the General Information and Regulations Prospectus

K.1 DEGREES

The following Master of Laws degrees may be awarded by the Faculty of Law:

MASTER OF LAWS (BY RESEARCH ONLY) 16MLAW

K.2 ADMISSION

A person may be considered for admission as a candidate for the degree of Master of Laws if

- K.2.1 s/he has a good law degree with at least a C-grade average (i.e. 60-69%) of the University of Namibia or an equivalent degree of another University/institution recognized by the Senate, on the recommendation of the Faculty of Law, for the purpose; or
- K.2.2 s/he has in any other manner attained a level of competence, which in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purpose of admission as a candidate for the degree.

K.3 DURATION OF STUDY

- K.3.1 A full-time candidate shall complete the approved thesis for the degree within one (1) academic year; a part time candidate within two (2) academic years.
- K.3.2 The Faculty Board may, in justified cases, extend the duration of studies of a full-time candidate up to two (2) academic years and a part-time candidate up to three (3) academic years.

K.4 CURRICULUM COMPILATION

The curriculum for the Master of Laws (by research) is as follows:

Year	Module Name	Code	Module Type	NQF Level	Contact Hours	Credits
1	Academic Writing for Post Graduate Students	UAE 5819	Semester 1 or 2	8	56	16
1	Masters Research Proposal (Law)	LMP 5100	Semester 1	9		
1	LL M Thesis	LTH 5900	Semester 1 & 2	9		

K.5 MODULE DESCRIPTORS

K.5.1 Module title: Academic Writing for Post Graduate Students

Module Code: UAE 5819
NQF Level: 8
Contact hours: 4 hours per week
Credits: 16

Module Assessment: Continuous assessment (critical reading assignment, annotated bibliography, 2 tests) will contribute 50% to the final mark. The examination (1 x 3 hour exam) contributes 50% to the final mark.

Pre-requisites: Must be a postgraduate student

Module Description: The course will inter alia cover the following issues

- Access various academic sources
 - Definition of primary and secondary sources
 - Identification of scholarly and popular sources
 - Identification of the types of sources available both in the library and electronically

- How to search for sources electronically
- How to find both older and newer sources
- How to use the internet as a research tool
- Analyze a text critically
 - Evaluation of a source for relevance and reliability
 - Evaluation of a source for impartiality or bias
 - How to write an annotated bibliography
 - How to synthesize sources into a written academic text
- Use a process approach when research writing
 - Selection of a topic
 - How to refine the topic
 - Definition of audience and purpose
 - How to conduct a search
 - How to keep a working bibliography
 - How to keep a research journal (by taking notes using summary, paraphrase and direct quotation)
 - Development of ideas and focusing thought
 - How to create a thesis statement
 - Organization of ideas and make an outline
 - How to write the first draft
 - Editing
 - Revision
- Write an academic text using proper rhetoric and style
 - How to write an appropriate introduction and conclusion
 - How to use a higher-level vocabulary
 - Employment of greater word variety
 - Using of complex, varied sentence structures
 - Application of accurate sentence patterns
 - How to use correct punctuation
 - How to exercise clarity and conciseness
 - Write accurate paragraphs
 - How to maintain a line of argument
 - How to achieve coherence
- Format a written academic text in APA (American Psychological Association) style
 - Definition of plagiarism
 - Identification of ways in which to avoid plagiarism
 - Identification of information from outside sources that must be acknowledged
 - How to format a written text using appropriate margins, line spacing, page numbering, etc.
 - Creating a proper title page
 - Demonstration of accuracy in formatting in-text reference citations
 - Demonstration of accuracy in formatting a reference list

K.6 LL M THESIS REGULATIONS

K.6.1 APPOINTMENT OF SUPERVISORS

- K.6.1.1 In consultation with Senate, the Faculty Board shall appoint a Supervisor to advise and guide a candidate, whose research topic has been approved, and the candidate shall be required to work closely with the supervisor as Senate may direct.
- K.6.1.2 The candidate, after consultation and in agreement with the supervisor, will submit a research topic of the intended thesis to the Faculty in accordance with the guidelines issued by the Faculty Board from time to time.
- K.6.1.3 Faculty guidelines may prescribe the dates for the submission of research topics and proposals of the intended research, draft and final thesis, the format and deadlines to be observed in the process of preparation and presentation of the thesis.
- K.6.1.4 In case there are grounds which, in the opinion of the Faculty Board are sufficient and reasonable, the candidate may be permitted to submit the thesis at a date as may be determined by the Faculty Board.

K.6.2 SUBMISSION OF THESIS

- K.6.2.1 At least two months prior to the scheduled date for the submission of the thesis the candidate shall submit a written notice of his/her intention to submit the thesis to the Faculty Board through his/her respective supervisor.
- K.6.2.2 The notice shall be accompanied by an abstract of between 300 and 400 words being a summary of the general findings and conclusions reached.

K.6.3 FINAL THESIS

- K.6.3.1 The thesis shall be accompanied by a declaration stating that it has not been submitted for a similar degree in any other University.
- K.6.3.2 The thesis must contain an abstract of between 300 and 400 words being a summary of the general findings and conclusions reached.
- K.6.3.3 Every thesis submitted shall be examined by at least two examiners, at least one of whom shall be an examiner external to the University.
- K.6.3.4 The examiners shall be required to submit a detailed assessment of the thesis, and also write definite recommendations on whether the degree should be awarded to the candidate unconditionally, or whether the degree should be awarded subject to specified corrections/revisions being made, or whether the thesis should be referred back to the candidate for re-writing and re-submission, or whether the thesis should be rejected outright.
- K.6.3.5 In case where the examiners of the thesis disagree in their recommendations the Faculty Board shall recommend to Senate the appointment of an additional independent examiner to serve as referee on the thesis.
- K.6.3.6 Without prejudice to the examination of the thesis described above, the Faculty Board may require the candidate to make an oral presentation on the contents of or on a topic covered in his/her thesis.

K.6.4. SUBSEQUENT PUBLICATION FROM A THESIS

Papers or publications extracted from a thesis submitted for a Master of Laws degree of UNAM, must contain a statement acknowledging that the work is based on a thesis submitted to the University of Namibia.

K.7 AWARDING OF THE DEGREE OF LL M

A candidate who has satisfied all the regulations to the required standards shall be awarded a Master of Laws degree.

L. DOCTOR OF PHILOSOPHY IN LAW (PH D IN LAW) 16DPLA

The Doctor of Philosophy in Law (Ph D) will be offered in compliance with the general regulations and guidelines for post graduate studies at the University of Namibia. Refer to **Regulations and Guidelines for Post Graduate Programmes** in the **General Information and Regulations Prospectus**.

The following module is compulsory for all PhD candidates:

L.1 MODULE DESCRIPTORS

L1.1 Module title: Academic Writing for Post Graduate Students

Module Code: UAE 6819
NQF Level: 8
Contact hours: 4 hours per week
Credits: 16

Module Assessment: Continuous assessment (critical reading assignment, annotated bibliography, 2 tests) will contribute 50% to the final mark. The examination (1 x 3 hour exam) contributes 50% to the final mark.

Pre-requisites: Must be a postgraduate student

Module Description: The course will inter alia cover the following issues

- Access various academic sources
 - Definition of primary and secondary sources
 - Identification of scholarly and popular sources
 - Identification of the types of sources available both in the library and electronically
 - How to search for sources electronically
 - How to find both older and newer sources
 - How to use the internet as a research tool
- Analyze a text critically
 - Evaluation of a source for relevance and reliability
 - Evaluation of a source for impartiality or bias
 - How to write an annotated bibliography
 - How to synthesize sources into a written academic text
- Use a process approach when research writing
 - Selection of a topic
 - How to refine the topic
 - Definition of audience and purpose
 - How to conduct a search
 - How to keep a working bibliography
 - How to keep a research journal (by taking notes using summary, paraphrase and direct quotation)
 - Development of ideas and focusing thought
 - How to create a thesis statement
 - Organization of ideas and make an outline
 - How to write the first draft
 - Editing
 - Revision
- Write an academic text using proper rhetoric and style
 - How to write an appropriate introduction and conclusion
 - How to use a higher-level vocabulary
 - Employment of greater word variety
 - Using of complex, varied sentence structures
 - Application of accurate sentence patterns
 - How to use correct punctuation
 - How to exercise clarity and conciseness
 - Write accurate paragraphs
 - How to maintain a line of argument
 - How to achieve coherence
- Format a written academic text in APA (American Psychological Association) style
 - Definition of plagiarism

- Identification of ways in which to avoid plagiarism
- Identification of information from outside sources that must be acknowledged
- How to format a written text using appropriate margins, line spacing, page numbering, etc.
- Creating a proper title page
- Demonstration of accuracy in formatting in-text reference citations
- Demonstration of accuracy in formatting a reference list

M. JUSTICE TRAINING CENTRE (JTC)

M.1 REGULATIONS

These regulations must be read in conjunction with the Memorandum of Understanding (JTC Memorandum) signed between the University of Namibia and the Ministry of Justice on 16th April, 1993.

M.2 COURSES OF STUDY

The Justice Training Centre, currently offers the following courses:

- the pre-service (induction) and in-service (capacity building) training courses for magistrates, prosecutors, interpreters, court clerks, police, defence, immigration and prison officers, and other law administration and enforcement personnel
- the Legal Professional Training Course for all law graduates who wish to qualify for admission to practise Law in Namibia under the Legal Practitioners Act 15 of 1995.

It is anticipated that the JTC's activities will be extended to encompass:

- the training course for Community Court Justices and Court Clerks.

Certificates

Certificate of attendance JTC (16 CALA)

M.3 ADMISSION AND DURATION OF STUDY

In consultation with the relevant Ministries, all recently employed Magistrates, Police, Prison and Defence Forces Trial officers, Public Prosecutors, Police and Prison Prosecutors, Interpreters and Court Clerks shall be expected to attend an induction course. Courses of a minimum of one month's duration will be offered to inductees in the Magistracy; Prisons and Correctional Services; and the Immigration Department.

The capacity building courses will take the form of continuous education programmes and will thus be offered annually to public servants whose duties have some connection with the law. Courses will last between one week to 3 months depending on specified and or identified needs.

Only those candidates in possession of an LL B degree or an approved degree supplemented by a bridging course will be eligible to enroll for the Legal Professional Training Programme. The course shall similarly be of 9 months duration.

To register for the proposed non-degree Magistrates and Prosecutors courses, a candidate must hold a School Leaving Certificate with a minimum score to be determined by the JTC according to availability of places. Both courses will last 9 months on a full time basis and will follow the University General Information and Regulations Prospectus.

Applicants seeking admission as mature students must satisfy entry qualifications as specified in the General Information and Regulations Prospectus and may be required, in addition, to attend interviews and/or tests designed to assess their suitability for admission to the programme.

In general, admission to all courses will be on merit and will depend on availability of places and resources. The mere satisfaction of entrance requirements will therefore not guarantee admission to any of the various programmes.

M.4 CURRICULUM

M.4.1 PROGRAMMES FOR LAW ENFORCEMENT AGENCIES

The curricula of programmes offered for law enforcement agencies will be tailor-made according to the needs of the relevant law enforcement agency. See E. Certificate in Criminal Justice, Constitutionalism and Human Rights (16CCCH)

M.4.1.1 ATTACHMENT PROGRAMME

It is envisaged that during the University holidays, candidate Magistrates, Prosecutors and Community Court Justices will be attached to different courts around the country to gain practical experience of the subjects on offer. The attachment will be monitored by the JTC and the host station will be required to submit a written report on the candidates' progress.

M.4.2 THE LEGAL PROFESSIONAL TRAINING COURSE

The Course of post graduate study shall extend for a period of at least nine months, three months of which shall be devoted to compulsory lectures at the Justice Training Centre, and the syllabus of the course shall comprise the following subjects:

Professional Ethics and Conduct and Techniques in Litigation including salient rules of Evidence

Practice Management and Administration and Practical Bookkeeping and Accounts

Administration of Wills and Estates

The Practice and Procedure relating to the Law of Insolvency and Trusts

The Practice and Procedure relating to (a) Commercial Transactions and (b) Drafting of Contracts

Civil Practice and Procedure in the Supreme Court, High Court and Lower Courts, Legal Costs and Prescription

Criminal Practice and Procedure in the Namibian Courts

Practice of Constitutional Law, Human Rights and Practical Workings of the Organs of the State and Public Bodies

Motor Accidents Law and Motor Vehicle Accident Claims (MVA)

Practice of Labour Law and Alternative Dispute Resolution

Legal Drafting

Conveyancing – Introductory Course (non examinable)

M.4.2.1 ATTACHMENT PROGRAMME

During the entire 9 months period, each candidate legal practitioner will be attached to a 'Practising Principal' in a law firm and/or the Legal Aid Directorate for a period of not less than 60 hours per month. Attachments may also be entered into with the offices of the Prosecutor General.

Contracts of Attachments must be entered into not later than the date of commencement of the candidates' attendance of the course except where the Board for Legal Education prescribes a later date. Candidates should note that attachment is a prerequisite to admission to practice law and a candidate who has successfully completed his examinations will nonetheless be ineligible for admission until this requirement has been fully complied with during or after the course.

M.4.2.2 EXAMINATION REGULATIONS

Legal Practitioners' Qualifying Examination (LPQE)

For the Legal Professional Training Course, the Candidate Legal Practitioners Regulations GN 228 of 1995, Published in Gazette No. 1207 dated 1st December, 1995 will apply. In terms thereof, the Legal Practitioners Qualifying Examination shall be conducted in accordance with such instructions as may have been issued by the Board for Legal Education.

A Candidate for the Legal Practitioners Qualifying Examination (LPQE) shall be assessed on the basis of continuous assessment, which continuous assessment shall comprise the aggregate of the marks obtained by the candidate in the written assignments done during the relevant year and the marks obtained in the Mid-Year Examination, in each of the subjects of the syllabus of the course.

The marks for the written assignments and the Mid-Year Examination shall each total 20 percent of the aggregate of the marks in the continuous assessment and the end of the year examination. To qualify to write the LPQE or end of the year Examination a candidate shall obtain 40 percent in his/her continuous assessment mark.

The marks to be obtained by a candidate in order to pass any subject in the LPQE shall be 50 percent, based on the aggregate of the marks obtained in the end of the year Examination and the continuous assessment, provided that a subminimum of 40 percent for each subject is obtained in the end of the year Examination.

The total mark in each subject in the Legal Practitioners' Qualifying Examination (LPQE) shall consist of 60 percent representing the mark in the end of year examination and 40 percent representing the mark in the continuous assessment.

A candidate, who has taken and four times retaken the Legal Practitioners' Qualifying Examination or any part thereof and failed to complete it, shall not be permitted to retake the whole examination or any part thereof within five years of his/her attempt, unless the Board upon an application of such candidate has granted its consent therefore.

All courses, subjects, curricula and examinations may be changed subject to consultations with the Minister of Justice and the Board for Legal Education.

N. HUMAN RIGHTS AND DOCUMENTATION CENTRE (HRDC)

The Human Rights and Documentation Centre (HRDC) at the Faculty of Law of the University of Namibia (UNAM) serves the central mission of promoting Human Rights, the Rule of Law and Democracy in Namibia. The Human Rights and Documentation Centre was created on the basis of a Memorandum of Understanding between the Ministry of Justice and the University of Namibia in April 1993. The HRDC is a semi-autonomous component of the Faculty of Law.

The HRDC is headed by its director, while the holder of the UNESCO Chair: Human Rights and Democracy also operates from the Centre.

The HRDC serves the central mission of creating and cultivating a sustainable culture of Human Rights and Democracy in Namibia. Focusing on this mission, the Centres activities *inter alia* include:

- Research and publication in the field of Human Rights and related areas in Namibia and southern Africa;
- Dissemination of information and materials for the use of individuals and institutions;
- Training of law students, lawyers, judges, magistrates, traditional authorities and law enforcement officers in Human Rights;
- Training of government officials in the skills of state reporting to international Human Rights organisations;
- Review of the Human Rights situation;
- Consultancy, capacity building and advocacy in the field of Human Rights and related areas;
- Organisation of conferences, seminars and workshops on Human Rights and related areas.

The Documentation Centre aims to collect, process and disseminate Human Rights information in Namibia and Southern Africa. The materials collected thus far consist of more than 6000 documents including: monographs, reports, periodicals as well as selected videos and CD-ROMs. The HRDC is a research Centre, which in general terms means that materials do not circulate outside the building. Admission to the Centre is open to the general public, however, the right of admission is reserved and users may be requested to identify themselves by filling in a questionnaire. This information helps the Centre to collect necessary statistical data for improvement of its services and facilities.

The Documentation Centre provides the following services:

- Access to its collection through its publication database, entries in the database can be searched by author, subject, date of publication, publisher or geographic regions;
- Awareness services to University community members and researchers;
- Dissemination of information to lecturers, researchers and students;
- Collection of newspaper clippings on Human Rights related issues in Namibia;
- On-Line Resource Services;
- An extensive HIV/AIDS collection;
- Photocopying services;
- Video viewing on special request ;
- Displaying of Human Rights publications on different occasions;
- Compilation bibliographic material on Human Rights issues for researchers (on request);
- Electronic library services; and
- Referral services.

O. ADVICE, INFORMATION AND GENERAL REGULATIONS

O.1 ATTENDANCE OF LECTURES

See **General Information and Regulations Prospectus**

O.2 ATTENDANCE OF SEMINARS/TUTORIALS

See **General Information and Regulations Prospectus**

O.3 PART-TIME STUDIES/DISTANCE EDUCATION

The Faculty of Law offers the following qualifications on both full time and part time:

- Baccalaureus Juris (B Juris)
- Master of Laws programme (by thesis) (LL M).

The Faculty of Law offers the following qualifications on both full time and distance education:

- Bachelor of Laws (LL B) (Honours)

Some of the full time B Juris and LL B (Honours) modules may be offered in the evening due to the time-table division.

The Faculty of Law also offers the following part time programmes:

Certificate in Dispute Resolution (Mediation, Arbitration and Conciliation)

Prospective students should contact the Faculty Officer/Dean for further information.

The Faculty of Law does not offer the above-mentioned qualifications on Distance Education, except the LL B (Honours).

O.4 GENERAL INFORMATION

See **General Information and Regulations Prospectus**