
FACULTY PROSPECTUS 2009

FACULTY OF LAW



THE UNIVERSITY OF NAMIBIA

NOTE

Regulations and curricula for 2009 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 2008.

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 2009 or any consecutive year.

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

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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 thesis only in any area of law.

ACADEMIC CALENDAR 2009

FIRST SEMESTER

06 January	University opens
16 January	Lecturers resume office duties
19 Jan – 20 Febr	Registration - Dist Teaching (CES) (Last day for Late Reg: 25 Febr)
02 - 20 February	Registration - Full & Part time (Last day for Late Reg: 25 Febr)
23 February	Lectures commence for FIRST SEMESTER
14 April	EASTER BREAK starts
20 April	Lectures resume after Easter Break
12 June	Lectures end for FIRST SEMESTER
16 June	First Opportunity Examinations commence (Semester I modules)
03 July	First Opportunity Examinations end (Semester I modules)
03 July	End of 1st Semester

SECOND SEMESTER

27 July	Lectures commence for SECOND SEMESTER
14 September	SPRING BREAK starts
21 September	Lectures resume after Spring Break
06 November	Lectures end for SECOND SEMESTER
10 November	First Opportunity Examinations commence (Sem II & Double modules)
27 November	First Opportunity Examinations end (Sem II & Double modules)
27 November	End of 2nd Semester
17 December	Academic Year ends & University closes (until 11 January 2010)
11 January 2010	University opens (2010 academic year)
12 January 2010	Second Opportunity Exams commence (Sem I, II & Double modules)
21 January 2010	Lecturers resume office duties
29 January 2010	Second Opportunity Examinations end (Sem I, II & Double modules)

DUE DATES FOR THE 2009 ACADEMIC YEAR

(i)	GENERAL	
	Last day for Late Registration (<i>Late fee payable</i>)	25 February
	Last day for approval of exemption(s).....	25 February
	Last day for approval of retention of continuous assessment mark.....	25 February
	Last day for approval of module(s) & qualification changes	25 February
	Last day to submit outstanding documentation.....	31 July
	Last day to apply for enrolment cancellation.....	02 October
(ii)	CANCELLATIONS	
	<u>First Semester Modules</u>	
	Last day to cancel Semester I modules	08 May
	<u>Second Semester Modules</u>	
	Last day to cancel Semester II modules	02 October
	<u>Double modules</u>	
	(a double module normally extends over one academic year)	
	Last day to cancel Double modules	02 October
(iii)	FINANCE	
	<u>First Semester Modules</u>	
	Last day to cancel with 100 % credit.....	13 March
	Last day to cancel with 50 % credit.....	17 April
	<u>Second Semester Modules</u>	
	Last day to cancel with 100 % credit.....	07 August
	Last day to cancel with 50 % credit.....	04 Sept
	<u>Double modules</u>	
	(a double module normally extends over one academic year)	
	Last day to cancel with 100 % credit.....	13 March
	Last day to cancel with 50 % credit.....	05 June

STRUCTURE AND PERSONNEL

OFFICE OF THE DEAN

☎ (+264 61) 206 3622 📠 (+264 61) 206 3703 📧 jabrahams@unam.na 📮 Private Bag 13301, Windhoek, Namibia

Dean: 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
Deputy Dean: Mr F Nghiishililwa: LL B; LL M (Warwick)
Faculty Officer: Ms D Davies
Faculty Librarian: Mr OS Awuku
Faculty Secretary: Ms J Abrahams

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

The Faculty Officer
Faculty of Law
University of Namibia
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NAMIBIA

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ACADEMIC DEPARTMENTS

DEPARTMENT OF COMMERCIAL LAW

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Head of Department and Lecturer: Mr K Kanguuehi BA; LL B; PGD Tax Law (UCT); Legal Practitioner of the High Court of Namibia
Senior Lecturers: Mr F Nghiishililwa: LL B; LL M (Warwick)
Dr OC Ruppel: 1st St Ex Law (Schleswig); 2nd Ex Law; Dipl Phil (Munich); LL M (Stellenbosch); M M (Master of Mediation) (Hagen); LL D (Pressburg)
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)
Junior Lecturer: Mr C Kavendji: B Juris; LL B (UNAM); Legal Practitioner of the High Court of Namibia
Part-time Lecturers: Ms C Anyanwu: B Juris; LL B (UNAM)
Mr B Katjaerua: B Juris (UNAM); LL B (UNAM); LL M (Economic Law) (UNAM)

DEPARTMENT OF PRIVATE AND PROCEDURAL LAW

☎ (+264 61) 206 3702 📠 (+264 61) 206 3703 📧 skamoo@unam.na 📮 Private Bag 13301, Windhoek, Namibia

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.
Junior Lecturer: Mr C Kavendji: B Juris; LL B (UNAM); Legal Practitioner of the High Court of Namibia
Part-time Lecturers: Ms Y Dausab: BA Law; LL B (UWC); LL M (Pretoria)
Mr T Namiseb: BA; LL B (UCT); Legal Practitioner of the High Court of Namibia
Mr R Rukoro: B Juris (UNAM); LL B (UNAM)
Ms E Thompson: BA; LL B (UCT)

DEPARTMENT PUBLIC LAW & JURISPRUDENCE

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Head of Department and Lecturer: Mr J Nakuta: LL B (UNISA); LL M (Utrecht-Netherlands)
Professor: Prof. MO Hinz: 1st Ex Law; 2nd St Ex Law; PhD (Mainz); Habil Law (Mainz, Bremen)

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
 Dr OC Ruppel: 1st St Ex Law (Schleswig); 2nd Ex Law; Dipl Phil (Munich); LL M (Stellenbosch); M M (Master of Mediation) (Hagen); LL D (Pressburg)
 Mr F Nghiihililwa: LL B; LL M (Warwick)

Lecturer: Mr F Bangamwabo: LL B (Zimbabwe); LL M (Ireland); Registered Attorney with the High Court of Zimbabwe.

Junior Lecturer: Mr C Kavendji: B Juris; LL B (UNAM); Legal Practitioner of the High Court of Namibia

Part-time Lecturers: Dr/Adv S Akweenda: LL B (Hons); LL M; PhD (London), Member of Society of Advocates of Namibia
 Ms L Indongo: B Juris (UNAM); LL B (UNAM); MSc (Criminology and Criminal Justice) (WALES); Legal Practitioner of the High Court of Namibia
 Mr R Rukoro: B Juris (UNAM); LL B (UNAM)
 Mr B Katjaerua: B Juris (UNAM); LL B (UNAM); LL M (Economic Law) (UNAM); LLM (Mercantile law) (US)

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 (Law Students); Company Law; Credit Agreements; Cross-Cultural Negotiation and Dispute Resolution; Insurance Law; International Commercial Arbitration and International Litigation; International Dispute Resolution; Labour Dispute Resolution; Labour Law; Law of Associations; Law of Contract; Law of Insolvency; Maritime Law; Mediation and Alternative Dispute Settlement; Negotiable Instruments; Negotiation and Conciliation; Negotiation and Settlement; Tax Law.
- **The Department Private and Procedural Law comprises:** Advanced Mediation; Alternative Dispute Resolution; Arbitration; Civil Procedure; Communication and Conflict; 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 I; Practical Legal Studies/Legal Aid Clinic II; 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; Dispute Resolution-Ombudsman; Environmental Dispute Resolution; Environmental Law; Gender Law; Human Rights Law; International Economic Law; Introduction to Law; Introduction to Legal Processes; Jurisprudence; LL B Dissertation; Public International Law; Public Law Aspects of International Trade; Restorative Justice; 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 Lecturer: 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

Deputy Director: Vacant

Office Administrator JTC: Ms C Klazen

Lecturer: Vacant

Part-time Lecturers: Adv N Bassingthwaithe: B Juris, LLB. (UNAM); Practising Advocate in the High Court.

Mrs M Dammert: B Proc (UNISA)

Ms Y Dausab: BA Law; LL B (UWC); LL M (Pretoria)

Mr P de Beer: BLC; LL D (UP)

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 Kanguuehi BA; LL B; PGD Tax Law (UCT); Legal Practitioner of the High Court of Namibia

Adv E Schimming-Chase: LLB. (Univ. Coventry - UK); Practising Advocate in the High Court.

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)

HUMAN RIGHTS AND DOCUMENTATION CENTRE (HRDC)

Director: Dr OC Ruppel: 1st St Ex Law (Schleswig); 2nd Ex Law; Dipl Phil (Munich); LL M (Stellenbosch); M M (Master of Mediation) (Hagen); LL D (Pressburg)

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

Materials Developer: Vacant

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Section 1

New Curriculum

First, Second and Third year level students

A. REGULATIONS

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

A.1 QUALIFICATIONS OFFERED BY THE FACULTY:

A.1.1 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	16CCCH

A.1.2 DIPLOMA PROGRAMMES

The Faculty may award the following diplomas:

Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation)	16DMAC
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A.1.3 DEGREE PROGRAMMES

The Faculty may award the following degrees:

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

A.1.4 POST GRADUATE PROGRAMMES

The Faculty may award the following post graduate qualifications:

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

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

B.1 ADMISSION

B.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.

B.2 DURATION OF STUDY

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

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

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

B.3 CURRICULUM COMPILATION

The following should be considered when calculating the number of modules:

Year-long Module offered over four (4) periods per week = double module (32 credits)

Year-long Module offered over two (2) periods per week = module (16 credits)

Semester Module offered over four (4) periods per week = module (16 credits)

Semester Module offered over two (2) periods per week = ½ module (8 credits)

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

B.4 EXAMINATION REGULATIONS

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

Furthermore, Regulation H.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.

B.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:

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

B.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.

B.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.

B.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.

B.5.1.4 Subject to Rule B.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.

B.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.

B.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.

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

B.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.

B.7 AWARDING OF THE SPECIALISED CERTIFICATE IN CUSTOMARY LAW

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

B.8 SYLLABI

B.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 (see B of the Faculty of Law Regulations) 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.

B.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 B.5 of Faculty of Law Regulations)

C. CERTIFICATE IN DISPUTE RESOLUTION (MEDIATION, ARBITRATION AND CONCILIATION) – PART TIME

C.1 ADMISSION

C.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.

C.2 DURATION OF STUDY

C.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.

C.3 TEACHING MODE

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

C.4 CURRICULUM COMPILATION

The following should be considered when calculating the number of modules:
Semester Module offered over four (4) periods per week = 1 module (16 credits)
Semester Module offered over two (2) periods per week = ½ module (8 credits)

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/Week	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

C.5 EXAMINATION REGULATIONS

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

C.6 ACADEMIC ADVANCEMENT RULES

C.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) module (16 credits) out of the prescribed three (3) modules (48 credits).

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

C.7.1 A student will not be re-admitted into the Faculty unless s/he passed at least one (1) module (16 credits) out of the prescribed three (3) modules (48 credits) by the end of the first registration cycle.

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

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

C.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).

C.9 SYLLABI

C.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.

C.9.2 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.

C.9.3 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.

C.9.4 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

C.9.5 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. CERTIFICATE IN CRIMINAL JUSTICE, CONSTITUTIONALISM AND HUMAN RIGHTS (16CCCH)

D.1 ADMISSION

D.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.

D.2 DURATION

D.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.

D.3 TEACHING MODE

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

D.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/Week	Credits
1	English for Certificate Purp.(Compulsory)	LCEC 1311	Semester 1 or 2	3	4/11	12
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	The Role of Parliament in a Constitutional Democracy (Elective)	LPRP 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					72

D.5 EXAMINATION REGULATIONS

D.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.

D.6 ACADEMIC ADVANCEMENT RULES

D.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 two (2) module (32 credits) out of the prescribed seven (7) modules (72 credits).

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

D.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 two (2) modules (32 credits) out of the prescribed seven (7) compulsory modules (72 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 CRIMINAL JUSTICE, CONSTITUTIONALISM AND HUMAN RIGHTS

D.8.1 A student shall be awarded the Certificate in Criminal Justice, Constitutionalism and Human Rights if he/she passed all prescribed modules (72 credits).

D.9 SYLLABI

COMPULSORY MODULES:

D.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: 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.

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: 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

D.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

D.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:

D.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.
-

D.9.6 Module Title: CUSTOMARY LAW

Module Code: LJCJ 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.

D.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.

D.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.

D.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.

D.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

D.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;

D.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.
-

D.9.13 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.

D.9.14 Module Title: STATUTORY INTERPRETATION

Module Code: LJSI 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

D.9.15 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

E. SPECIALISED DIPLOMA IN DISPUTE RESOLUTION (MEDIATION, ARBITRATION AND CONCILIATION)

E.1 ADMISSION

E.1.1 For admission to the Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation) the applicant must hold the Certificate in Dispute Resolution (Mediation, Arbitration & Conciliation) plus have at least two years of relevant professional experience or any relevant legal qualification.

E.2 DURATION OF STUDY

E.2.1 The Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation) is designed to extend over a period of at least one academic year and 9 modules (144 credits) [8½ compulsory modules (136 credits) and ½ elective (8 credits)].

E.2.2 The Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation) must be completed within a maximum study period of two (2) years of study.

E.2.3 The said period may only be exceeded with the authority of Senate.

E.3 TEACHING MODE

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

E.4 CURRICULUM COMPILATION

The following should be considered when calculating the number of modules:

Year-long Module offered over four (4) periods per week = double module (32 credits)

Year-long Module offered over two (2) periods per week = module (16 credits)

Semester Module offered over four (4) periods per week = module (16 credits)

Semester Module offered over two (2) periods per week = ½ module (8 credits)

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

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Week	Credits
UNAM CORE MODULES						
1	English for General Communication	ULEG 2310	Semester 1 & 2	3	4/28	32
1	Contemporary Social Issues	UCSI 3429	Semester 1	4	2/14	8
1	Computer Literacy	UCLC3409	Semester 2	4	2/14	8
FACULTY SPECIFIC MODULES						
1	Introduction to Legal Processes	LJLP 2501	Semester 1	5	2/14	8
1	Restorative Justice	LJRJ 2501	Semester 1	5	2/14	8
1	Alternative Dispute Resolution	LPAD 2501	Semester 1	5	2/14	8
1	Communication and Conflict	LPCC 2501	Semester 1	5	2/14	8
1	Negotiation and Settlement	LCNS 2501	Semester 1	5	2/14	8

1	Cross-Cultural Negotiation and Dispute Resolution	LCND 2501	Semester 1	5	2/14	8
1	Advanced Mediation	LPAM 2502	Semester 2	5	2/14	8
1	Arbitration	LPAR 2502	Semester 2	5	2/14	8
1	International Commercial Arbitration and International Litigation	LCAL 2502	Semester 2	5	2/14	8
1	Labour Dispute Resolution	LCEL 2502	Semester 2	5	2/14	8
1	Environmental Dispute Resolution	LJED 2502	Semester 2	5	2/14	8
1	Dispute Resolution – Ombudsman (ELECTIVE)	LJOM 2502	Semester 2	5	2/14	8
1	International Dispute Resolution (ELECTIVE)	LCID 2502	Semester 2	5	2/14	8
TOTAL CREDITS:						144

E.5 RESTRICTION ON MODULES – PRE-REQUISITES

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module. Before a student can continue with a subsequent module, the preceding relevant module must be passed.

Modules	Pre-requisites
ULEG 2410 English for General Communication	LCEC 1311 English for Certificate Purposes or a D-symbol in English (NSSC or equivalent)

E.6 EXAMINATION REGULATIONS

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

E.7 ACADEMIC ADVANCEMENT RULES

See E.4 for calculation of credits

E.7.1 A student who did not pass all the modules of the Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation) at the end of first year of registration, shall be eligible to repeat the modules failed, provided that he/she has passed at least two (2) modules (32 credits) out of the compulsory coursework of the diploma (144 credits).

E.8 MINIMUM REQUIREMENTS FOR RE-ADMISSION INTO THE FACULTY

E.8.1 A student will not be re-admitted into the Faculty unless s/he passed at least three (3) modules (48 credits) out of the prescribed nine (9) modules (144 credits) by the end of the first registration cycle.

E.8.2 The maximum duration of study for the Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation) is two (2) years after which a student will not be re-admitted into the Faculty of Law for this specific course of study.

E.9 AWARDING OF THE SPECIALISED DIPLOMA IN DISPUTE RESOLUTION (MEDIATION, ARBITRATION AND CONCILIATION)

E.9.1 A student shall be awarded the Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation) if he/she passed all prescribed modules (144 credits).

E.10 SYLLABI

UNAM CORE MODULES:

E.10.1 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.

E.10.2 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.

E.10.3 Module Title: ENGLISH FOR GENERAL COMMUNICATION

Module Code: ULEG 2410

NQF level: 4

Contact hours: Four hours per week lectures - 28 weeks = 112 contact hours

Credits: 32

Module Assessment: Continuous assessment (minimum 4 reading tests, 4 writing tests, 2 oral presentations and 1 literate worksheet) 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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module attempts to assist students to improve their general English proficiency. The main goal of this module is, therefore, to develop the reading, writing, listening, speaking and study skills of students in order for them to perform tasks in an

academic environment. This module focuses on the skills students need to perform cognitive academic tasks in an academic environment and beyond.

FACULTY SPECIFIC MODULES:

E.10.4 Module Title: ADVANCED MEDIATION

Module Code: LPAM 2502

NQF level: 5

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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: Advanced Mediation is a continuation of the basic mediation module (Certificate Programme). It assumes an understanding of the mediation process on which it is based, but it goes beyond the basics to provide in-depth examination of important issues in mediation practice such as convening the mediation process, multi-party mediation, mediator bias, mediator ethics, and mediator qualifications. In addition, the module provides substantial advanced skills development through the use of experiential exercises and practice mediations. The module examines the dynamics, benefits, constraints, and skills related to third party intervention in the resolution of legal disputes. The module explores mediation as a collaborative process of resolving conflict, the legislative, ethical, and practical constraints on its use, as well as the skills needed to serve in a mediation capacity. There is an emphasis on learning through simulation exercises which are drawn from the labour, family, commercial, community, and environmental areas.

E.10.5 Module Title: ALTERNATIVE DISPUTE RESOLUTION

Module Code: LPAD 2501

NQF level: 5

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 focuses on the non-litigation processes of dispute resolution and their relationship to traditional litigation. The module involves the study of negotiation, mediation, mini-trials, private judges and special masters, court-annexed and private arbitration as well as court related settlement options such as panel evaluations, settlement conferences, and summary jury trials. This module explores the role and responsibilities of advocates when advising and representing clients in dispute resolution processes. Opposing teams of students will represent the parties to a commercial dispute under the supervision and guidance of the instructor acting as the supervising attorney for each team. They will advise and represent their clients in an arbitration proceeding before a professional arbitrator who will issue an award. They will also represent their clients in mediation with a professional mediator. The student will assess and compare the role of an advocate in the two processes. Under faculty supervision, students apply mediation theory and refine their skills as third-party neutrals by facilitating settlement negotiations between litigants in small claims court and in other referred disputes. Student fieldwork is shared and analyzed in a seminar focused on developing advanced mediation skills and continued learning through critical review.

E.10.6 Module Title: ARBITRATION

Module Code: LPAR 2502

NQF level: 5

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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The law and practice of arbitration, including the enforcement of agreements and awards, and the conduct of the arbitral proceeding, with particular emphasis on domestic commercial and/or labour disputes will be studied intensively. This module is also designed to advance students in the process of arbitration with an emphasis on the skills necessary for the process to function well. The many applications of arbitration including its use in labour, medical malpractice, construction, securities, and civil disputes are explored. Hearing procedures are examined and students participate in exercises as advocates and arbitrators. Topics such as the scope of judicial review, the enforcement of arbitration awards, and the application of the arbitration process to the public and private sectors are included. An advanced study of processes used to resolve disputes in the commercial field with special emphasis on international commercial transactions. Mediation, arbitration, and hybrid processes are examined.

E.10.7 Module Title: COMMUNICATION AND CONFLICT

Module Code: LPCC 2501

NQF level: 5

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 focuses on the vehicle of human communication in the context of conflict. It addresses the challenges to effective communication caused by interpersonal, intrapersonal, intergroup, or intragroup conflict, and the role of communication in resolving such conflicts. Substantial attention is paid to the methods of communication most effective in dealing with differences, particularly those that could be used by professionals in the dispute resolution processes of negotiation and mediation. The module is taught in an interactive format utilizing lectures, observation, discussions, and experiential exercises.

E.10.8 Module Title: CROSS-CULTURAL NEGOTIATION AND DISPUTE RESOLUTION

Module Code: LPND 2501

NQF level: 5

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 integrates theories of dispute resolution with an analysis of differences in language, customs, values, and world views from culture to culture. The module will survey the impact culture has on a variety of dispute resolution processes including negotiation, mediation, arbitration, and litigation. Particular focus will be placed on cross-cultural negotiations and mediations.

The module is designed to equip the student with an analytical framework within which he or she may evaluate and use dispute resolution processes involving individuals from different cultures.

Module topics also include the principles and practice of faith-based diplomacy, modes of third party intervention, religion and communal identity, reconciliation and nation building, religion as a cause of international conflict, religion as an asset for international peacemaking, and preventative diplomacy.

E.10.9 Module Title: ENVIRONMENTAL DISPUTE RESOLUTION

Module Code: LPED 2502

NQF level: 5

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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module is an advanced study of processes used to prevent, manage, and resolve conflict in the education environment. Special emphasis is placed on the role of faculty and administrators and the practical skills useful in conflicts regarding legal disputes, goals and objectives, access to education, compliance with government regulations, inter-personal relationships and school/community issues. Non-collective bargaining dispute resolution options are considered with a focus on collaborative negotiation and mediation. The emphasis is on learning through simulation exercises, case studies, and discussion.

Furthermore an advanced study of the processes used to resolve disputes that arise in the area of domestic relations such as marriage dissolution, child custody and visitation, and property division. Emphasis is on negotiation and mediation in domestic relations context.

The module also contains an advanced study of dispute resolution processes used in resolving environmental, natural resources, and public policy disputes. Particular focus is on negotiated rule-making and mediation as useful processes. An overview of Namibian Environmental Law will be considered. The public is often unfamiliar with the complexity of stakeholders that make up today's healthcare system. This module seeks to offer a framework for understanding dispute resolution in healthcare by providing a historical perspective on healthcare's evolution to its present structure, identifying major players interfacing in the current American healthcare setting highlighting key components in healthcare dispute resolution, underscoring ethical considerations that are endemic to healthcare, and anticipating future evolution in healthcare and its dispute resolution processes.

E.10.10 Module Title: INTERNATIONAL COMMERCIAL ARBITRATION AND LITIGATION

Module Code: LPAL 2502

NQF level: 5

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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: A study of legislative regimes and case law affecting the settlement by arbitration of disputes arising from international contracts and similar transactions. Particular attention is paid to the enforcement of arbitration agreements and awards, the role of treaties and administering institutions, and the interplay between national courts and arbitral tribunals. The module combines lecture and problem solving in addressing the following topics: basic choice of law and choice of forum analysis, international judicial assistance (service of process and discovery abroad), enforcement of judgments internationally, alternative dispute settlement mechanisms (conciliation and arbitration), enforcement of arbitration awards, prejudgment remedies, and sovereign immunity.

E.10.11 Module Title: INTRODUCTION TO LEGAL PROCESSES

Module Code: LPLP 2501

NQF level: 5

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 is designed for lawyers and non-lawyers and non-law degree seeking students in the graduate dispute resolution programmes. This module provides students with an understanding of law, its role in society, and the dispute resolution principles that have emerged from it. It familiarizes students with the court system, its operation, and the challenges it faces in serving as this society's traditional formal dispute resolution forum. The module examines efforts to the justice system and the movement of the last two decades since Independence. The module is taught using a traditional law school case method, but it also includes substantial personal contact with those most prominently involved in the justice system—practicing lawyers and sitting judges—as well as personal observation of the court system.

This module also provides students and practitioners of third party conflict intervention with an opportunity to assess the very heart of their work: that is, why a third party? From this most fundamental question flow other questions. Why this third party? What do mediation, adjudications, or dialogue offer that is of value? This module approaches these questions through ideological analysis of the fundamental social belief systems that shape each form of practice. While every form of third party practice is based on certain underlying ideologies, different ideologies shape third party practice and thus the experience of parties in conflict. Through readings, class discussions, and interactive exercises, participants in this module will develop the ability to analyze the ideological assumptions and values at the heart of various third party processes and to consider the social impact of various forms of third party intervention.

E.10.12 Module Title: LABOUR DISPUTE RESOLUTION

Module Code: LPEL 2502

NQF level: 5

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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: The module on Labour Dispute Resolution will focus primarily on the private resolution of employment and workplace disputes arising in the non-union setting and are either potentially cognizable or filed pursuant to various national statutes. There will also be particular emphasis placed on the resolution of disputes in the union setting. The module will also focus on designing, implementing, and evaluating dispute resolution systems within organizations. The format will integrate theories of workplace diversity, organization fairness and justice, power imbalance, and ethics.

This advanced module also focuses on developing a conceptual understanding of negotiation, mediation and arbitration in the labour-management arena. This module is highly interactive with a portion of the time spent in specially designed role-plays reflecting a variety of labour-management related conflicts. Some of our nation's most intense and protracted labour disputes will be examined and analyzed by the student. Topics to be covered in this class include:

- Understanding negotiations in the labour management environment.
- Protocols and intervention techniques of crisis bargaining.

Tools and techniques of labour mediation.

E.10.13 Module Title: NEGOTIATION AND SETTLEMENT

Module Code: LPNS 2501

NQF level: 5

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 deals with the dynamics, constraints, and skills associated with the negotiation and settlement process. The theories of negotiation are examined through current literature. Negotiation skills are learned through simulation exercises, and issues related to the use of negotiation are addressed through class discussions. Module content is drawn from the fields of law, psychology, communication, and business.

A study of the function and professional skills of lawyers and other professionals during the critical processes of interviewing and counselling will be undertaken. Substantive focus on preventive law and client-centered planning. The module draws from fields of communication and psychology as well as law. Emphasis is on learning through simulation exercises, case studies, and discussions. This module provides an understanding of conflict in the context of the people involved and their relationship to each other. It draws from both the fields of psychology and sociology to provide a framework for understanding and assisting those who are parties to acute conflict that often ends up in the legal system. The module format includes lectures, discussions, and experiential exercises.

E.10.14 Module Title: RESTORATIVE JUSTICE

Module Code: LPRJ 2501

NQF level: 5

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 explores the restorative justice movement, an exciting and rapidly expanding alternative to contemporary criminal justice. Restorative justice incorporates aspects of alternative dispute resolution and civil law into criminal matters in order to pursue overarching goals of healing and reconciliation. The module considers where the movement originated, how it has developed in the past twenty years, the opportunities and challenges it confronts, and specific ways in which it can be implemented in the criminal process. Reference to Namibian Customary Law will be made. Through case studies, simulated learning, and discussion, this module further examines the influence of religion, its values, and guidelines on the resolution of conflict. The primary focus is on the Judeo-Christian heritage with an examination of dispute resolution processes in Judaism and Christianity. Themes from other world religions reflected in Namibian society are considered. Examination of the relationship among substantive law, judicial processes, and religions' dispute resolution systems will be included.

E.10.15 ELECTIVE COURSEWORK FOR THE SPECIALIZED DIPLOMA

E.10.15.1 Module Title: DISPUTE RESOLUTION - OMBUDSMAN

Module Code: LPOM 2502

NQF level: 5

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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module will explore the theory and practice of the ombudsman, who is constitutionally recognised under Chapter 10 of the Namibian Constitution. This module is organized around a series of questions:

- What is the ombudsman? A general overview of the ombuds-concept and its evolution.
- Why does ombuds work? A review of the theory of third party intervention in conflict.
- How does ombuds work? A survey of ombuds practice with opportunities to try it out.
- How can ombuds get wide institution/constituency support? An exploration of best programmatic practices.
- What are the issues that arise in ombuds practice?
- Time will be spent in a variety of activities: presentation, discussion, brainstorming, and skills practice.

E.10.15.2 Module Title: INTERNATIONAL DISPUTE RESOLUTION

Module Code: LPID 2502

NQF level: 5

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 second semester. The examination mark will contribute forty percent (40%) to the final mark.

Prerequisite: None

Module description: This module is a study-abroad programme that will provide an introduction to international alternative dispute resolution abroad. The module will focus on the laws, practices, and institutional framework of international alternative dispute resolution in the respective region of study.

F. BACCALAUREUS JURIS (B JURIS) - FULL TIME

F.1 ADMISSION

- F.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 UNAM rating with at least a C symbol in English as a Second Language or higher.
- F.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.
- F.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.
- F.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.
- F.1.5 The Faculty reserves the right to interview any applicant before admission to the B Juris programme.
- F.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.

F.2 DURATION OF STUDY

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

F.3 CURRICULUM COMPILATION

The following should be considered when calculating the number of modules:

Year-long Module offered over four (4) periods per week = double module (32 credits)

Year-long Module offered over two (2) periods per week = module (16 credits)

Semester Module offered over four (4) periods per week = module (16 credits)

Semester Module offered over two (2) periods per week = ½ module (8 credits)

The curriculum for the full 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	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 I	LPPS 3720	Semester 1 & 2	7	2/28	16
TOTAL CREDITS FOR 3RD YEAR						136
OVERALL NUMBER OF CREDITS FOR B JURIS						456

F.4 RESTRICTION ON MODULES – PRE-REQUISITES

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module. Before a student can continue with a subsequent module, the preceding relevant module must be passed.

FIRST YEAR:

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

SECOND YEAR:

Modules	Pre-Requisites
LPFA 3632 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	Pre-Requisites
LPCP 3752 Criminal Procedure II LJCU 3722 Customary Law III	LPCP 3751 Criminal Procedure I LJCU 3602 Customary Law II

F.5 EXAMINATION REGULATIONS

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

F.6 ACADEMIC ADVANCEMENT RULES

See **F.3 for calculation of credits.**

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

F.6.1 at the end of the first year, passed eight (8) (128 credits) out of the eleven (11) modules (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

F.6.2 at the end of the second year, passed six (6) (96 credits) out of the nine (9) modules (144 credits) prescribed for the second year.

F.6.3 at the end of the third year, passed all outstanding modules in order to be awarded the B Juris degree.

F.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:

F.7.1 FOUR modules (64 credits) by the end of the first year of registration

F.7.2 TEN modules (160 credits) by the end of the second year of registration

F.7.3 SIXTEEN modules (256 credits) by the end of the third year of registration

F.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 twelve and a half (12½) modules (200 credits).

F.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.

F.8 AWARDING OF THE DEGREE OF B JURIS

F.8.1 A student shall be awarded the degree of B Juris if he/she passed all prescribed twenty eight and a half (28½) modules i.e 456 credits.

F.9 SYLLABI

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

First to third year level students (Fourth year part time – see Old Curriculum)

FIRST YEAR MODULES:

UNAM CORE MODULES:

F.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.

F.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.

F.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:

F.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.

F.9.5 Module Title: CRIMINAL LAW I

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.

F.9.6 Module Title: CRIMINAL LAW II

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.

Prerequisite: 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.

F.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.

F.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 aedilition 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.

F.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:

F.9.10 Module Title: COMMERCIAL LAW

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
-

F.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).

F.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.

F.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.

Prerequisite: 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.
-

F.9.14 Module Title:**FAMILY LAW****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.

Prerequisite: 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.

F.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.

Prerequisite: 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.

F.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.

F.9.17 Module Title: LAW OF PERSONS

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.

F.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

F.9.19 Module Title:

STATUTORY INTERPRETATION

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:

F.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

F.9.21 Module Title: CRIMINAL PROCEDURE I (4TH year part time students should see old curriculum)

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 pre 1990 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.

F.9.22 Module Title: CRIMINAL PROCEDURE II
(4TH year part time students should see old curriculum)

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.

Prerequisite: 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

F.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.

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: Customary Law II (LJCJ 3602)

Module description: The module covers special areas of customary law, including the statutes that deal with these areas, such as:

- The customary family law;
- The customary succession and inheritance law;
- The customary land law, and the customary law governing other natural resources;
- The customary law relating to wrongs; and
- The law governing conflicts of law.

F.9.24 Module Title: LABOUR LAW
(4TH year part time students should see old curriculum)

Module Code: LCLA 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 inter *alia* cover the following:

- Sources of Namibian Labour Law
- Definition employer and employee, dispute of rights and dispute interest, remuneration, normal working hours
- Role of the Executive Branch agencies and players; ILO Convention 150 on Labour Administration
- District Labour Courts and Labour Court jurisdiction and applicable principles
- The Common Law Contract of Employment (i.e. the formation of the contract, implied terms, duties of the employee and duties of the employer)
- Statutory terms of the contract of employment (i.e. basic conditions of employment under the Labour Act, working hours, leave)
- Remedies for Breach of an Employment Contract
- Termination of Contract of Employment
- Termination of Contracts of Employment and Unfair Disciplinary Actions (Sec 4551 of the 1992 Labour Act), statutory benefits due upon termination
- Trade Unions and Employer's Organisations (i.e. registration, rights and recognition of trade unions and employer's organizations)
- Collective Agreements; their registration and effect of registration
- Dispute resolution between employers or registered employer' organizations and employees or registered trade unions
- Establishment of conciliation boards, terms of reference of conciliation boards, meetings of conciliation boards, resolved disputes and unsolved disputes
- Industrial Action: Strikes and Lockouts
- Affirmative Action and complaints in relation to unfair discrimination or harassment
- An examination of employment safety laws and related laws

F.9.25 Module Title: LAW OF ASSOCIATIONS

Module Code: LCAS 3720

NQF level: 7

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

**F.9.26 Module Title: LAW OF DELICT
(4TH year part time students should see old curriculum)**

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.

F.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: irrebutable 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.

F.9.28 Module Title: PRACTICAL LEGAL STUDIES I
(4TH year part time students should see old curriculum)

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.

G. BACCALAUREUS JURIS (B JURIS) - PART 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) 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.
- 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 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.
- 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 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.

G.2 DURATION OF STUDY

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

G.3 CURRICULUM COMPILATION

The following should be considered when calculating the number of modules:

Year-long Module offered over four (4) periods per week = double module (32 credits)

Year-long Module offered over two (2) periods per week = module (16 credits)

Semester Module offered over four (4) periods per week = module (16 credits)

Semester Module offered over two (2) periods per week = ½ module (8 credits)

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

G.4 RESTRICTION ON MODULES – PRE-REQUISITES

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module. Before a student can continue with a subsequent module, the preceding relevant module must be passed.

FIRST YEAR OF REGISTRATION:

Modules	Pre-Requisites
ULCL3612 Communication & Study Skills for Law Students	ULEA3419 English for Academic Purposes

SECOND YEAR OF REGISTRATION:

Modules	Pre-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	Pre-Requisites
LPFA 3632 Family Law LJCU 3722 Customary Law III	LPPE 3601 Law of Persons LJCU 3602 Customary Law II

G.5 EXAMINATION REGULATIONS

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

G.6 ACADEMIC ADVANCEMENT RULES

See **G.3** for calculation of credits.

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 six (6) modules (96 credits) out of the nine (9) modules (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
- G.6.2 at the end of the second year of registration, passed five (5) modules (80 credits) out of the eight (8) modules (128 credits) prescribed for the second year of registration.
- G.6.3 at the end of the third year of registration, passed four (4) modules (64 credits) out of the six and a half (6½) modules (104 credits) prescribed for the third year of registration.
- G.6.4 at the end of the fourth year of registration, 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 THREE modules (48 credits) by the end of the first year of registration
- G.7.2 EIGHT modules (128 credits) by the end of the second year of registration
- G.7.3 FOURTEEN modules (224 credits) by the end of the third year of registration
- G.7.4 TWENTY modules (320 credits) by the end of the fourth year of registration
- G.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 eight and a half (8½) modules (136 credits).
- G.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.

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 twenty eight and a half (28½) modules (456 credits).

G.9 SYLLABI

See F.9 for syllabi of B Juris full time and part time.

H. BACHELOR OF LAWS (LL B) – FULL TIME

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

H.1 ADMISSION

- H.1.1 A student is eligible to register for the full time programme of the LL B 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 five and half (5½) modules (88 credits) out of the prescribed eight and a half (8½) third year modules (136 credits) prescribed for full time studies, provided that all outstanding first and second year modules have been passed OR passed two (2) modules (32 credits) out of the prescribed five (5) modules (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.
- H.1.2 Subject to the general rules for admission, applicants for admission to the LL B 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 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.

- H.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 H.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.

NB: Students are advised that the LL B 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.

- H.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

H.2 DURATION OF STUDY

- H.2.1 The full time LL B programme extends over a period of at least two (2) years.
- H.2.2 The maximum period of study for the full time LL B programme is four (4) years.
- H.2.3 The said periods may only be exceeded with the authority of Senate.

H.3 CURRICULUM COMPILATION

The following should be considered when calculating the number of modules:
 Year-long Module offered over four (4) periods per week = double module (32 credits)
 Year-long Module offered over two (2) periods per week = module (16 credits)
 Semester Module offered over four (4) periods per week = module (16 credits)
 Semester Module offered over two (2) periods per week = ½ module (8 credits)

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

Year	Module Name	Code	Module Type	NQF Level	Contact Hours/Week	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	Practical Legal Studies/Legal Aid Clinic II	LPPS 3870	Semester 1 & 2	8	4/28	32
	TOTAL CREDITS FOR 2ND YEAR					168
	OVERALL NUMBER OF CREDITS FOR LL B					328

H.4 RESTRICTION ON MODULES – PRE-REQUISITES

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module. Before a student can continue with a subsequent module, the preceding relevant module must be passed.

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
LPPS 3870 Practical Legal Stud./Legal Aid Clinic II	LPPS 3720 Practical Legal Studies I

H.5 EXAMINATION REGULATIONS

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

H.6 ACADEMIC ADVANCEMENT RULES

See H.3 for calculation of credits.

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 seven (7) modules (112 credits) out of the ten (10) modules (160 credits) prescribed for the first year
- H.6.2 a student admitted to the LL B programme with outstanding modules for the degree of B Juris (Rule H.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
- H.6.3 at the end of the second year, passed all outstanding modules in order to be awarded the LL B 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 THREE modules (48 credits) by the end of the first year of registration
- H.7.2 EIGHT modules (128 credits) by the end of the second year of registration
- H.7.3 The above-mentioned implies that a student who does not complete the LL B degree within the prescribed duration of study, has two years left to complete the remaining twelve and a half (12 ½) modules (200 credits)
- H.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 degree. The maximum duration of study for the full time LL B degree is four (4) years.

H.8 AWARDING OF THE DEGREE OF LL B

- H.8.1 A student shall be awarded the degree of LL B if he/she passed all prescribed twenty and a half (20½) modules (328 credits).

H.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.

H.9.2 SELECTION OF TOPICS

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

H.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.

H.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:

H.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.

H.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.

H.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.

H.9.5 DISSERTATION TIMETABLE

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

H.9.5.1 GENERAL PROPOSAL

H.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.

H.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).

H.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.

H.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.

H.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.

H.9.5.1.6 A final list of students, supervisors and topics chosen shall be published.

- H.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: 27 February 2009

H.9.5.2 DETAILED PROPOSAL

- H.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.
- H.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.
- H.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: 27 March 2009

H.9.5.3 DRAFT DISSERTATION

- H.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.
- H.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.
- H.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: 28 August 2009

H.9.5.4 DISSERTATION

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

Date of Submission: 28 October 2009

H.9.6 MARKING

- H.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.
- H.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.
- H.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.

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

- H.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.
- H.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.
- H.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.
- H.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:

H.10 SYLLABI

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

FIRST YEAR MODULES:

H.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)

H.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

H.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.

H.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 domini*
- The doctrine of substance versus form as it relates to credit agreements

H.10.5 Module Title: CUSTOMARY LAW IV

Module Code: LJCU 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 (LJCU 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.

H.10.6 Module Title: ENVIRONMENTAL LAW

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)

H.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

H.10.8 Module Title: INSURANCE LAW

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

H.10.9 Module Title: MARITIME LAW

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
-

H.10.10 Module Title: NEGOTIABLE INSTRUMENTS

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

H.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.

H.10.12 Module Title: PUBLIC INTERNATIONAL LAW

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:

H.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

H.10.14 Module Title: COMPARATIVE LAW

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?

H.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

H.10.16 Module Title: INTERNATIONAL ECONOMIC LAW

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

H.10.17 Module Title: JURISPRUDENCE

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

H.10.18 Module Title: LAW OF SUCCESSION

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.

**H.10.19 Module Title: LL B DISSERTATION
(Also note H.9)**

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.

H.10.20 Module Title: MEDIATION AND ALTERNATIVE DISPUTE SETTLEMENT

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.

Pre-requisite: 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

H.10.21 Module Title: PRACTICAL LEGAL STUDIES / LEGAL AID CLINIC II

Module Code: LPPS 3870

NQF level: 8

Contact hours: Four hours per week lectures – 28 Weeks

Credits: 32

Module Assessment: Continuous assessment (short written assignments after every contact lesson) 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 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;
- Trials skills: Interviews, consultation for trials, statement taking theory of the case, evidence-in-chief, examination, argument, judgment 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.

H.10.22 Module Title: PUBLIC LAW ASPECTS OF INTERNATIONAL TRADE

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.

H.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

I. BACHELOR OF LAWS (LL B) – PART TIME

I.1 ADMISSION

- I.1.1 A student is eligible to register for the part time programme of LL B 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 two (2) modules (32 credits) out of the five (5) modules (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 and a half (5½) modules (88 credits) out of the eight and a half (8½) third year modules (136 credits) prescribed for full time studies, provided that all outstanding first and second year modules have been passed.
- I.1.2 Subject to the general rules for admission, applicants for admission to the LL B 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 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, 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 (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 programme of the LL B.

NB: Students are advised that the LL B 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 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.

I.2 DURATION OF STUDY

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

I.3 CURRICULUM COMPILATION

The following should be considered when calculating the number of modules:
Year-long Module offered over four (4) periods per week = double module (32 credits)
Year-long Module offered over two (2) periods per week = module (16 credits)
Semester Module offered over four (4) periods per week = module (16 credits)
Semester Module offered over two (2) periods per week = ½ module (8 credits)

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

Year	Module Name	Code	Module Type	NQF Level	Contact Hours	Credits
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	Practical Legal Studies/Legal Aid Clinic II	LPPS 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

I.4 RESTRICTION ON MODULES – PRE-REQUISITES

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module. Before a student can continue with a subsequent module, the preceding relevant module must be passed.

FIRST YEAR OF REGISTRATION:

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

SECOND YEAR OF REGISTRATION:

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

THIRD YEAR OF REGISTRATION:

Modules		Pre-Requisites	
LPPS 3870	Practical Legal Studies/Legal Aid Clinic II	LPPS 3720	Practical Legal Studies I

I.5 EXAMINATION REGULATIONS

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

I.6 ACADEMIC ADVANCEMENT RULES

See I.3 for calculation of credits.

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 of registration, passed four (4) modules (64 credits) out of the six and a half (6½) modules (104 credits) prescribed for the first year of registration.
- I.6.2 at the end of the second year of registration, passed four and a half (4½) modules (72 credits) out of the seven (7) modules (112 credits) prescribed for the second year of registration.

- I.6.3 a student admitted to the part time LL B programme with outstanding modules for the degree of B Juris (Rule I.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.

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 TWO modules (32 credits) by the end of the first year of registration
- I.7.2 SEVEN modules (112 credits) by the end of the second year of registration.
- I.7.3 TWELVE modules (192 credits) by the end of the third year of registration.
- I.7.4 The above-mentioned implies that a student who does not complete the LL B degree within the prescribed duration of study, has two years left to complete the remaining eight and a half (8½) modules (136 credits).
- I.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 degree. The maximum duration of study for the part time LL B degree is five (5) years.

I.8 AWARDING OF THE DEGREE OF LL B

- I.8.1 A student shall be awarded the degree of LL B if he/she passed all prescribed twenty and a half (20½) modules (328 credits).

I.9 LL B DISSERTATION REGULATIONS (LJDI 3860)

See H.9 for LL B Dissertation regulations.

I.10 SYLLABI

See H.10 for syllabi of LL B full time and part time

J. MASTER OF LAWS (BY THESIS) (LL M) 16MLAW

See "Old Curriculum" Prospectus

It is imperative that the information pertaining to the LL M (by thesis) under the old curriculum be read in conjunction with the **General Information and Regulations Prospectus**.

K. 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**.

L. JUSTICE TRAINING CENTRE (JTC)

L.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.

L.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)

L.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 enrol 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.

L.4 CURRICULUM

L.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 D. Certificate in Criminal Justice, Constitutionalism and Human Rights (16CCCH)**

L.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.

L.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)

L.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.

L.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.

M. 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.

N. ADVICE, INFORMATION AND GENERAL REGULATIONS

N. 1 ATTENDANCE OF LECTURES

See **General Information and Regulations Prospectus**

N. 2 ATTENDANCE OF SEMINARS/TUTORIALS

See **General Information and Regulations Prospectus**

N. 3 PART-TIME STUDIES/DISTANCE EDUCATION

The Faculty of Law offers the following qualifications on both full time and part time (evening classes):

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

Some of the full time B Juris and LL B 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)

Specialised Diploma 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.

N.4 GENERAL INFORMATION

See **General Information and Regulations Prospectus**

Section 2

Old Curriculum

**Fourth year level students – B Juris Part
Time Programme**

A. REGULATIONS

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

A.1 QUALIFICATIONS OFFERED BY THE FACULTY:

A.1.1 CERTIFICATE PROGRAMMES

(SEE NEW CURRICULUM)

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	16CCCH

A.1.2 DIPLOMA PROGRAMMES

(SEE NEW CURRICULUM)

The Faculty may award the following diplomas:

Specialised Diploma in Dispute Resolution (Mediation, Arbitration and Conciliation)	16DMAC
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A.1.3 DEGREE PROGRAMMES

(SEE NEW CURRICULUM)

The Faculty may award the following degrees:

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

A.1.4 POST GRADUATE PROGRAMMES

The Faculty may award the following post graduate qualifications:

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

B. BACCALAUREUS JURIS (B JURIS) - PART TIME

B.1 ADMISSION

- B.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.
- B.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.
- B.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.
- B.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.
- B.1.5 The Faculty reserves the right to interview any applicant before admission to the B Juris programme.
- B.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.

B.2 DURATION OF STUDY

B.2.1 The B Juris part time degree programme extends over a period of at least four (4) academic years.

B.2.2 The maximum period of study for the part time B Juris degree programme is six (6) years.

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

B.3 CURRICULUM COMPILATION

The Old Curriculum is only applicable to the fourth year level students of the B Juris part time programme. First to third year is offered under the new curriculum.

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

FIRST YEAR TO THIRD YEAR OF REGISTRATION

(SEE NEW CURRICULUM)

FOURTH YEAR OF REGISTRATION

Year-long Modules:	
LLA3300	Labour Law
LDE3300	Law of Delict
LPS3300	Practical Legal Studies I

Semester One Modules:	Semester Two Modules:
LCP3311 Criminal Procedure I	LCP3312 Criminal Procedure II

B.4 RESTRICTION ON MODULES – PRE-REQUISITES

A student will not be admitted to a specific module if s/he does not meet the requirements for the particular module. Before a student can continue with a subsequent module, the preceding relevant module must be passed.

**FIRST TO THIRD YEAR OF REGISTRATION:
(SEE NEW CURRICULUM)**

FOURTH YEAR OF REGISTRATION:

Modules	Pre-Requisites
LCP3312 Criminal Procedure II	LCP3311 Criminal Procedure I

B.5 EXAMINATION REGULATIONS

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

B.6 ACADEMIC ADVANCEMENT RULES

The following should be considered when calculating the number of modules:

Double Module offered over four (4) periods per week = 2

Double Module offered over two (2) periods per week = 1

Semester Module offered over four (4) periods per week = 1

Semester Module offered over two (2) periods per week = ½

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

B.6.1 at the end of the first year, passed six (6) out of the nine (9) modules 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

B.6.2 at the end of the second year of registration, passed five (5) out of the eight (8) modules prescribed for the second year of registration.

B.6.3 at the end of the third year of registration, passed four (4) out of the six and a half (6½) modules prescribed for the third year of registration.

B.6.4 at the end of the fourth year of registration, passed all outstanding modules in order to be awarded the B Juris degree.

B.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:

B.7.1 THREE modules by the end of the first year of registration

B.7.2 EIGHT modules by the end of the second year of registration

B.7.3 FOURTEEN modules by the end of the third year of registration

B.7.4 TWENTY modules by the end of the fourth year of registration

B.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 eight and a half (8½) modules.

B.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.

B.8 AWARDING OF THE DEGREE OF B JURIS

B.8.1 A student shall be awarded the degree of B Juris if he/she passed all prescribed modules.

B.9 SYLLABI

BACCALAUREUS JURIS (B JURIS) – PART TIME

FIRST YEAR TO THIRD YEAR MODULES:

(SEE NEW CURRICULUM)

FOURTH YEAR MODULES

B.9.1 **CRIMINAL PROCEDURE I** **LCP3311**

Four hours per week lectures (First Semester)
One paper (three hours)
Pre-requisite: None

Course Outline:

- The history and sources of Namibian criminal procedure;
- Criminal jurisdiction of the Higher and Lower courts;
- The prosecution process;
- Rules relating to trial instruments and charges;

Course assessment items:

Continuous Assessment mark will contribute forty percent (40%) to the final mark.

B.9.2 **CRIMINAL PROCEDURE II** **LCP3312**

Four hours per week lectures (Second Semester)
One paper (three hours)
Pre-requisite: Criminal Procedure I (LCP3311)

Course Outline:

- Trials;
- Sentencing;
- Reviews and appeals.

Course assessment items:

Continuous Assessment mark will contribute forty percent (40%) to the final mark.

B.9.3 **LABOUR LAW** **LLA3300**

Two hours per week lectures (Double Module)
One paper (three hours)
Pre-requisite: None

Course Outline:

- The constitutional, statutory, common law and ILO framework of labour relations and conditions of employment in the private and public sectors;
- Rights of trade unions, employees and employers;
- Voluntary and statutory mechanisms for dispute resolution and collective bargaining;
- Employee discipline and dismissal;
- Affirmative action;
- Industrial injury;
- Social security and health and safety.

Course assessment items:

Continuous Assessment mark will contribute forty percent (40%) to the final mark.

B.9.4**LAW OF DELICT****LDE3300**

Two hours per week lectures (Double Module)

One paper (three hours)

Pre-requisite: None

Course Outline:

- General principles;
- The nature and basis of delictual liability-the Aquilian action and the actio injuria;
- Elements of liability in the Aquilian action - wrongfulness, fault, causation, patrimonial loss, damages for pure economic loss;
- Defences to Aquilian liability- contributory negligence;
- Specific delicts;
- Nuisance;
- Trespass;

Defamation - elements of liability: defenses to defamation actions.

Course assessment items:

Continuous Assessment mark will contribute forty percent (40%) to the final mark.

B.9.5**PRACTICAL LEGAL STUDIES I****LPS3300**

Two hours per week lectures (Double Module)

One paper (two hours)

Pre-requisite: None

Course Outline:

Objective of the course:

The broad objective of the course is to provide practical legal training for students and to render service to those who are unable to afford the service of private practitioners.

The specific objective is to ensure that the students acquire a foundation of the fundamental skills and values that lawyers should have before assuming their role as members of the profession.

Course assessment items:

Continuous Assessment mark will contribute fifty percent (50%) to the final mark.

C. MASTER OF LAWS (BY THESIS) (LL M)

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

It is imperative that the information pertaining to the LL M (by thesis) be read in conjunction with the General Information and Regulations Prospectus**C.1 DEGREES**

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

MASTER OF LAWS (BY THESIS ONLY)

16MLAW

G.2 ADMISSION

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

- C.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
- C.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.

C.3 DURATION OF STUDY

- C.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.
- C.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.

C.4 LL M THESIS REGULATIONS

C.4.1 APPOINTMENT OF SUPERVISORS

- C.4.1.1 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.
- C.4.1.2 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.
- C.4.1.3 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.
- C.4.1.4 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.

C.4.2 SUBMISSION OF THESIS

- C.4.2.1 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.
- C.4.2.2 The notice shall be accompanied by an abstract of between 300 and 400 words being a summary of the general findings and conclusions reached.

C.4.3 FINAL THESIS

- C.4.3.1 The thesis shall be accompanied by a declaration stating that it has not been submitted for a similar degree in any other University.
- C.4.3.2 The thesis must contain an abstract of between 300 and 400 words being a summary of the general findings and conclusions reached.
- C.4.3.3 Every thesis submitted shall be examined by at least two examiners, at least one of whom shall be an examiner external to the University.
- C.4.3.4 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.
- C.4.3.5 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.
- C.4.3.6 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.

C.4.4. 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.

C.5 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.