Feedback Tutorial Letter

Law for Public Managers
1B LPM521

Assignment number 1
Greetings to you all. I hope everyone is ok under the circumstances. First of all, let me use this opportunity to thank most of you for submitting your assignment 1 on time. Having said this, I am glad many of you passed the assignment. I am specifically happy for students who managed to score marks above 65%.

Like your assignments in semester one, many of you repeated the same mistakes in assignment 1 of semester 2. Below is the summary of shortcomings that I discovered while marking your assignment 1.

1. Plagiarism

Like last semester, I observed that many of you cite sources without acknowledging their authors. Plagiarism remains a challenge for many of you. Please be advised, plagiarism is a serious academic offence which can attract a sanction from the University. I therefore urge you to acquaint yourselves with NUST’s rules and regulations pertaining to academic referencing. Every source of information you use in answering your assignment questions should be properly referenced. Failure to do so, leaves me with no choice but to mark you a zero.

2. Using irrelevant sources from other countries to answer assignment questions

Although nothing prevents you from using any materials to answer your assignment questions, it is also important to note that such sources though persuasive are largely irrelevant in the Namibian context. Please consult relevant and locally sourced materials to argue your case in the assignment. Some of you even went as far as citing materials from jurisdictions such as Canada, Iceland, Luxembourg etc. Countries with legal systems that are completely different from ours.

3. Academic dishonesty

I have also realized a growing and worrying trend of students copying each other’s work. This is not only a serious academic, offence, but an issue which borders on ethics. This type of behavior is no different from plagiarism. I wish to further inform you that I have the discretion to mark your work zero if I discover that students submitted an assignment that is exactly the same i.e word for word, mistake for mistake. Therefore, I urge you to refrain from this conduct.

In this assignment I observed that some of you copied and pasted provisions directly from the Constitution without scrutinizing them. This kind of behavior is tantamount to lazy plagiarism. When you cite the relevant provisions from the Constitution, try by all means to paraphrase them.

Having said what I said above, I hereby wish you the best in your next assignment.

Below is the memo and guidelines for assignment 1.
Assignment 1. Units 1-6

After completing this assignment, the student should be able to:

Define human rights and the characteristics of human rights
Differentiate between the different types of human rights
Explain when a right could be limited and how and when it can be suspended
Identify the constituents of a constitution
Explain what the general features of the Namibian Constitution are
Identify the provisions of the Namibian Constitution which relate to human rights
Explain the scope and content of each of the rights in the Bill of Rights
Distinguish between the various rights that are closely related
Explain what democracy is all about
Identify the three basic ingredients of a democratic society
Describe how democracy relates to human rights
Differentiate between the rule of law doctrine and the principle of “Rechtstaat”.
**Question 1**

Match a word or phrase to statements below

1. Chapter 3  
2. UDHR  
3. African Charter on Human and Peoples Rights  
4. Article 6  
5. Democracy

**QUESTION 2**

Identify and explain which categories of rights applies in scenarios below

2.1 Kahape Tjitendero is a 16-year-old Himba lady and is schooling at a government school in Khorixas. Coming from a very conservative and traditionalist family, she decides to stop putting on her school sanctioned uniform for a traditional Himba attire. Upon arriving at school in her traditional attire, she was promptly chased away by the school principal Mr. Goliath Christian heart. According to the Principal, Kahape’s traditional attire is unchristian and too revealing. (3)

- Second generation rights. (1)
- These are the social, economic and cultural rights. these include among others the rights to education, housing, health, food, shelter and employment. (1)
- The fact that Kahape was denied the right to put on her traditional attire violates her second generation right to culture. (1)
2.2 Black Mamba has been living illegally on land claimed by the municipality in an informal settlement outside Windhoek. He came to Windhoek aged 18 from the northern part of the country. He has little education as he only went as far as grade 6. One morning, a group of 12 City Policemen came to his “house’ and demanded that he take down the shack he calls home and vacate the area since he is squatting on municipal land. He was given a month’s notice to do so. Since he had nowhere to go, Black Mamba decided to ignore the municipality’s warning hoping that they won’t come back. After one month, City Police members came to his house and tore down his “house”. They claimed that they had given him sufficient time to vacate the area and resettle somewhere else. (3)

- Second generation rights. (1)
- These are the social, economic and cultural rights. These include among others the rights to education, housing, health, food, shelter and employment. (1)
- The fact that his shack was demolished violated his second generation right to housing. (1)

2.3 After spending decades campaigning for indigenous people’s rights, Sadio ya Goagoseb decides to officially start a trade union representing these particular people. However, his application is turned down by government authorities. According to the government, Sadio’s decades long campaigns for indigenous peoples is considered by the government as seditious and a threat to national unity. (3)

- First generation rights (1)
- Known as shield rights/blue rights are the civil and political rights (1)
- This includes inter alia the rights to life, freedom of expression, freedom of religion, freedom of association, freedom from arbitrary arrest and detention. (1)

2.4 Jubilee Africa is an oil exploration company based in the USA. It recently discovered oil in central Namibia in an area inhabited by a semi nomadic ethnic group called “!Nuaatse”. The government approved a license for the company to start with oil exploration. However, local NGOs are of the opinion that exploring oil in this particular area will cause everlasting environmental damage
including polluting aquifers which have been providing waters to this particular community for decades. Moreover, the majority of the tribe are also against the project and plan to petition the government to prevent Jubille Africa from continuing with its oil exploration. (3)

- Third generation rights also known as green rights (1)
- They include the rights to a clean environment, the right to peace, the right to development, the right to self-determination and people’s rights. (1)
- These rights are normally referred to as solidarity rights, since they are essentially claimable by people as groups or communities. (1)

Question 3

Which government institutions are responsible for protecting and/or promoting the human rights of Namibians in scenarios below.

- Namibian Police (1)
- Anti-Corruption Commission or the Office of the Ombudsman (1)

Question 3

3.1 Camden Jones is a male gay Namibian. He has been in a same sex relationship with Kavandje for over 10 years. Camden and Kavandje wants to get married. However, Namibia does not recognize same sex marriages. In light of constitutional provisions relating to human rights, do you think same sex marriages should be legalized in Namibia or not? (6)

- Students can argue their case by making reference to articles 10, 8, 14, 5 of the Namibian constitution.

3.2 Charity Beautifulone is 15 years old and schooling at a local high school in Walvis Bay. She falls pregnant and her 17-year-old boyfriend denies the pregnancy. She intends to have an abortion at her hospital. However, doctors advise her that this is illegal. She is told that she can only have an
abortion if she was raped, the baby was conceived as a result of incest, her pregnancy might threaten her life or the baby might be born with physical and psychological deformities.

In your opinion and in line with relevant constitutional provisions, do you think abortion should be legalized in all cases in Namibia. (6)

- Like the question in 3.1, this question is meant to test the student’s ability to apply relevant articles of chapter 3 to the scenario above. In this regard, students can cite articles 10, 8, 20, 5, 25 and even 22 if they argue against the decision to abort.

**Question 4**

4.1 Name and briefly explain the features of democracy (10)

- Respect for human rights
- A multi-party-political system paired with political tolerance
- A democratic voting system
- Respect for the rule of law
- Democratic governance
- Citizen participation

Students can use their own words to explain each feature

4.2 How important is democracy in protecting and promoting human rights? (6)

- Students should cite the relevant provisions of chapter 3 such as article 10, 8, 11, 7, 22, 18, 7, 12, 9 etc to argue their case.

4.3 In your opinion, is Namibia fulfilling its democratic mandate? (5)

- Students will score marks for citing similar provisions as stated in 4.2 to argue their case.