

**CPD1501**

( 470865)

October/November 2013

**CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY**

Duration 2 Hours

100 Marks

**EXAMINERS**

FIRST

MR TW MASEKO

SECOND

MR SP MAKAMA

Closed book examination

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This examination question paper consists of four (4) pages

**PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING.**

- 1 ANSWER ALL FOUR QUESTIONS DO NOT SEPARATE THE SUBSECTIONS OF A QUESTION.
2. QUESTION 1 MUST BE ANSWERED ON A SEPARATE MARK-READING SHEET.
- 3 ANSWER EACH QUESTION ACCORDING TO THE MARKS ALLOCATED TO IT
- 4 REFER TO RELEVANT CASE LAW, WHERE APPLICABLE.

**QUESTION 1****SELECT THE CORRECT ANSWER**

- 1 1 A period of residence or ordinary residence includes (2)
- 1) any period during which an applicant has been resident outside the Republic with his or her spouse while the latter was so employed.
  - 2) a period when a foreigner is or was confined in a prison or other place of detention in the Republic after being convicted
  - 3) a period when a foreigner has sojourned in the Republic, either conditionally, temporarily or in contravention of any law in force in the Republic
  - 4) a period when a foreigner is a student at one of the universities in South Africa

TURN OVER

- 1 2 One of the methods of losing South African citizenship in terms of the Citizenship Act 1995 is when (2)
- 1) an automatic statutory operation takes place.
  - 2) the person is critical of the government
  - 3) the person is not a student at one of the universities in South Africa
  - 4) the person resigns his or her job
- 1 3 South Africa has the following form of government (2)
- 1) It has features of both the presidential and the parliamentary system of government
  - 2) The head of state and the head of government are two different persons
  - 3) The head of government is elected directly by the people
  - 4) Parliamentary supremacy.
- 1 4 The question whether South African citizens in other countries are entitled to vote was dealt with in the case of (2)
- 1) *August and Another v Electoral Commission and Others* (CCT8/99) [1999] ZACC 3; 1999 (3) SA 1; 1999 (4) BCLR 363 (1 April 1999).
  - 2) *Richter v Minister for Home Affairs and Others* 2009 (5) BCLR 448 (CC)
  - 3) *Khosa and others v Minister of Social Development and others* (2004) (6) BCLR 569 (CC) (4 March 2004).
  - 4) *Larbi-Ordam and Others v The member of the Executive Council for Education (North West Province) and Another*, 1998 (1) SA 745 (CC)
- 1 5 Constitutionalism entails (2)
- 1) the same thing as the mere fact of having a constitution
  - 2) having a written and supreme constitution
  - 3) essentially having either procedural or substantive limitations on the power of government
  - 4) that the government is not limited in terms of the provisions of the constitution
- 1 6 Separation of powers (2)
- 1) requires the division of state authority between the legislative, executive and judicial authority (branches)
  - 2) entails interaction between national, provincial and local spheres of government.
  - 3) encourages authoritarian rule and protection of human rights.
  - 4) requires that the legislative, executive and local governments have their own powers and functions

- 1 7 The concept of democracy recognises (2)
- 1) that there are three types of democracy: representative democracy, participatory democracy and popular democracy
  - 2) that government does not consider the will of the people.
  - 3) that the right to vote via the process of elections is the most fundamental aspect of representative democracy.
  - 4) that the government is not accountable to the electorate
- 1 8 One of the rights that non-citizens are not entitled to is the right to (2)
- 1) vote.
  - 2) equality.
  - 3) life.
  - 4) permanent employment.
- 1 9 Judicial review (2)
- 1) is undemocratic because judges have the power to strike down the decisions of a democratic legislature and a democratic and representative government
  - 2) is in line with the principles of constitutionalism and democracy.
  - 3) means that the court is not empowered to declare unconstitutional any legislation that is not consistent with the constitution.
  - 4) infringes on the separation of powers principle
- 1 10 Deprivation of citizenship in the case of children takes place when the parents of children (2)
- 1) under the age of 18 and born outside the Republic cease to be South African citizens by voluntarily obtaining citizenship of another country without requesting the retention of South African citizenship or as a result of deprivation
  - 2) above the age of 18 and born outside the Republic cease to be South African citizens by voluntarily obtaining citizenship of another country without requesting the retention of South African citizenship or as a result of deprivation
  - 3) under the age of 18 and born outside the Republic are convicted and sentenced to life imprisonment
  - 4) above the age of 18 and born outside the Republic are convicted and sentenced to life imprisonment.

[20]

**QUESTION 2**

- 2 1 Discuss the legislative history of South African citizenship law (14)
- 2 2 Mr and Mrs Malapo are unemployed Zimbabwean citizens who have acquired permanent residence status in South Africa. They fled Zimbabwe in the 1980s as a result of the outbreak of civil war and sought refuge in South Africa. They integrated into the local community in Mpumalanga province. In January 2012, through the assistance of the social workers, they applied for an old-age grant. In February 2012, their applications for old-age grants were refused because they are not South African citizens. With reference to case law, discuss whether their applications' refusal for old-age grants is constitutional (10)
- 2 3 Discuss the law governing immigrants' admission to South Africa and migrants' departure from South Africa (10)

**[34]****Question 3**

- 3 1 Section 181 of the Constitution provides for the establishment of state institutions to strengthen constitutional democracy in the Republic, called "Chapter 9 institutions". Name and explain the role of any two of the Chapter 9 institutions (4)
- 3 2 Differentiate between a law and a policy (2)
- 3 3 Discuss the different forms of democracy and the various features that are common in most democratic constitutional states (10)

**[16]****Question 4**

- 4 1 Discuss the system of proportional representation and what it means for the South African electoral system (5)
- 4 2 Explain, in your own words, what you think public participation in a democracy means. In your answer, you should mention representative and participatory democracy (15)
- 4 3 Discuss the process by which a policy becomes law. In your answer, you should discuss the four (4) stages in detail (10)

**[30]****Total: {100}**

**PART 1 (GENERAL/ALGEMEEN) DEEL 1**

STUDY UNIT e.g. PSY100-X  
 STUDIE-EENHEID by PSY100-X

**1**

PAPER NUMBER  
 VRAESTELNOMMER **2**

INITIALS AND SURNAME  
 VOORLETTERS EN VAN **3**

DATE OF EXAMINATION  
 DATUM VAN EKSAMEN **4**

EXAMINATION CENTRE (E.G. PRETORIA)  
 EKSAMENSENTRUM (BY PRETORIA) **5**

STUDENT NUMBER  
 STUDENTENOMMER

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UNIQUE PAPER NO  
 UNIEKE VRAESTEL NR

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For use by examination invigilator  
 Vir gebruik deur eksamenopsiener

- IMPORTANT** **BELANGRIK**
- USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
  - MARK LIKE THIS ➡
  - CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
  - ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
  - CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
  - CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
  - CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
  - DO NOT FOLD
- GEBRUIK SLEGS N HB POTLOOD OM HIERDIE BLAD TE VOLTOOI
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  - KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
  - MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
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**PART 2 (ANSWERS/ANTWOORDE) DEEL 2**

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Specimen only

**CPD1501**

( 479583)

May/June 2015

**CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY**

Duration 2 Hours

100 Marks

**EXAMINERS**

FIRST

SECOND

MR KAI QASAYMEH

MISS T MUNYAI

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Closed book examination

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**This examination paper consists of five (5) pages.**

TURN OVER

**CPD1501**

( 479583)

May/June 2015

**CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY**

Duration 2 Hours

100 Marks

**EXAMINERS**

FIRST

SECOND

MR KAI QASAYMEH

MISS T MUNYAI

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**This examination paper consists of five (5) pages.**

Please pay careful attention to the following:

1. Answer all five questions.
2. Do not separate the subsections of a question.
3. Question 1 must be answered on a separate mark reading sheet
4. Refer to relevant case law, where applicable.

**Question 1****Choose the right answer**

- 1.1 **Citizenship by birth is acquired by anyone...** (2)
- a) who is born in any of the nine provinces of South Africa or in the Prince Edward Islands
  - b) who is born in any of the nine provinces of South Africa or in the Prince Edward Islands or outside the Republic provided that one of his or her parents, at the time of his or her birth, is a South African citizen
  - c) who is born in a country that allows dual citizenship and has renounced the citizenship of that country
  - d) who meets both the requirements in (a) and (b) above

TURN OVER

- 1.2 One method of losing South African citizenship in terms of the Citizenship Act 88 of 1995 is ...** (2)
- a) to be a naturalised person who has engaged, under the flag of another country, in a war that the Republic does not support
  - b) a person who is born in a country that allows dual citizenship and has not renounced the citizenship of that country
  - c) that the person is not a student of one of the universities of South Africa
  - d) that the person refuses a direct order from the executive authority
- 1.3 Non-citizens are not entitled to the right to ...** (2)
- a) vote
  - b) equality
  - c) life
  - d) both equality and life
- 1.4 The question whether South African citizens in other countries are entitled to vote was dealt with in the case of:** (2)
- a) *Khosa and Others v Minister of Social Development and Others* BCLR 569 (CC) (4 March 2004)
  - b) *August and Another v Electoral Commission and Others* (CCT8/99) [1999] ZACC 3, 1999 (3) SA 1, 1999 (4) BCLR 363 (1 April 1999)
  - c) *Richter v The Minister for Home Affairs* 2009 (5) BCLR 448 (CC) (12 March 2009)
  - d) *Larbi-Odam and Others v Member of the Executive Council for Education (North-West Province) and Another* BCLR 1655, 1998 (1) SA 745 (26 November 1997)
- 1.5 Constitutionalism entails...** (2)
- a) the same thing as the mere fact of having a Constitution
  - b) having a written and supreme Constitution
  - c) essentially having either procedural and substantive limitations on the power of government
  - d) that the government is not limited in terms of the provisions of the Constitution
- 1.6 Separation of powers requires...** (2)
- a) interaction between the national, provincial, and local spheres of government
  - b) the division of state authority between the legislative, executive and judicial authority (branches)
  - c) the encouragement of authoritarian rule and human rights
  - d) that the legislative, executive and local governments have their own powers and functions

TURN OVER



- 1.7 One method of losing refugee status in terms of the Refugees Act 130 of 1998 is ..(2)**
- a) if a person has been recognised as a refugee erroneously on an application which contains any materially incorrect or false information
  - b) if a person has been recognised as a refugee due to fraud, forgery or a false or misleading representation of a material or substantial nature in relation to the application
  - c) if a person has been recognised as a refugee due to his mental and physical condition
  - d) if a person meets both the requirements in (a) and (b) above
- 1 8 South Africa has the following form of government' (2)**
- a) Both features of the Presidential and Parliamentary systems of government
  - b) The head of state and the head of the government are two different persons
  - c) The head of the government is elected directly by the people
  - d) Parliamentary supremacy
- 1.9 Judicial review... (2)**
- a) is undemocratic because judges have the power to strike down the decisions of a democratic legislature and a democratic and representative government
  - b) is in line with principles of constitutionalism and democracy
  - c) means that the court is not empowered to declare unconstitutional any law that is not consistent with the Constitution
  - d) infringes on the separation of powers principle
- 1 10 The national legislative authority as vested in Parliament confers on the National Assembly the power to... (2)**
- a) amend the Constitution
  - b) pass legislation with regard to any matter
  - c) review judgments concluded by the Constitutional Court
  - d) practice both powers in (a) and (b)

[20]

TURN OVER

**Question 2**

**Section 1 of the 1996 Constitution states that the Republic of South Africa is a democratic state founded, *inter alia*, on the supremacy of the Constitution and the rule of law. Briefly discuss the most important concepts which the state then must adhere to in order to become a democracy. In your answer you should discuss the following concepts:**

- 2.1 constitutionalism (including constitutional supremacy) (5)
- 2.2 the rule of law (5)
- 2.3 cooperative government (5)
- 2.4 discuss whether you believe that judicial review is undemocratic (5)
- [20]**

**Question 3**

- 3.1 Section 181 of the Constitution provides for the establishment of state institutions to strengthen constitutional democracy in the Republic, called "Chapter 9 institutions". Name and explain the role of any two of the Chapter 9 institutions (5)
- 3.2 Differentiate between a law, a policy and regulation (5)
- 3.3 Discuss the different forms of democracy and the various features that are common in most democratic constitutional states (5)
- [15]**

**Question 4**

- 4.1 Discuss the legislative history of South African citizenship (10)
- 4.2 Mr and Mrs Malapo are unemployed Zimbabwean citizens who have acquired permanent residence status in South Africa. They fled Zimbabwe in the 1980s as a result of the outbreak of civil war and sought refuge in South Africa. They integrated into the local community in Mpumalanga Province in January 2012, through the assistance of social workers. They applied for an old-age grant in February 2012. Their application for old-age grants were refused because they are not South African citizens. With reference to case law, discuss whether the refusal to grant them old-age grants is constitutional (10)

TURN OVER

- 4 3 Discuss the law governing immigrants' admission to South Africa and migrants' departure from South Africa (10)  
[30]

**Question 5**

- 5 1 Discuss the system of proportional representation and what it means for the South African electoral system (5)
- 5 2 Explain, in your own words, what you think public participation in a democracy means. In your answer, you should mention representative and participatory democracy (5)
- 5 3 Discuss the process by which a policy becomes law. In your answer, you should discuss the four (4) stages in detail (5)  
[15]

**TOTAL: {100}**

**PART 1 (GENERAL/ALGEMEEN) DEEL 1**

STUDY UNIT e.g. PSY100-X  
 STUDIE EENHEID by PSY100-X

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INITIALS AND SURNAME  
 VOORLETTERS EN VAN

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DATE OF EXAMINATION  
 DATUM VAN EKSAMEN

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EXAMINATION CENTRE (E.G. PRETORIA)  
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For use by examination invigilator  
 Vir gebruik deur eksamenopsiener

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- IMPORTANT**
- USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
  - MARK LIKE THIS
  - CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
  - ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
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  - KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
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  - MOENIE VOU NIE

**PART 2 (ANSWERS/ANTWOORDE) DEEL 2-**

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2	(1)	(2)	(3)	(4)	(5)
3	(1)	(2)	(3)	(4)	(5)
4	(1)	(2)	(3)	(4)	(5)
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7	(1)	(2)	(3)	(4)	(5)
8	(1)	(2)	(3)	(4)	(5)
9	(1)	(2)	(3)	(4)	(5)
10	(1)	(2)	(3)	(4)	(5)
11	(1)	(2)	(3)	(4)	(5)
12	(1)	(2)	(3)	(4)	(5)
13	(1)	(2)	(3)	(4)	(5)
14	(1)	(2)	(3)	(4)	(5)
15	(1)	(2)	(3)	(4)	(5)
16	(1)	(2)	(3)	(4)	(5)
17	(1)	(2)	(3)	(4)	(5)
18	(1)	(2)	(3)	(4)	(5)
19	(1)	(2)	(3)	(4)	(5)
20	(1)	(2)	(3)	(4)	(5)
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23	(1)	(2)	(3)	(4)	(5)
24	(1)	(2)	(3)	(4)	(5)
25	(1)	(2)	(3)	(4)	(5)
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**CPD1501**

( 469016)

October/November 2015

**CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY**

Duration 2 Hours

100 Marks

**EXAMINERS**

FIRST

SECOND

MR KAI QASAYMEH

DR TW MASEKO

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Closed book examination

This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue

**This examination question paper consists of five (5) pages**

**Please pay careful attention to the following:**

- 1. Answer all five questions.**
- 2. Do not separate the subsections of a question.**
- 3. Question 1 must be answered on a separate mark reading sheet.**
- 4. Refer to relevant case law, where applicable.**

**TURN OVER**

**QUESTION 1****CHOOSE THE RIGHT ANSWER**

**1.1 A period of residence or ordinary residence includes. .... (2)**

- 1) any period during which an applicant has been resident outside the Republic with his or her spouse while the latter was so employed
- 2) a period when a foreigner is or was confined in a prison or other place of detention in the Republic after being convicted
- 3) a period when a foreigner has sojourned in the Republic, either conditionally, temporarily or in contravention of any law in force in the Republic
- 4) a period when a foreigner is a student in one of the universities in South Africa

**1.2 One of the methods of losing South African citizenship in terms of the Citizenship Act 1995 is when..... (2)**

- 1) an automatic statutory operation takes place
- 2) the person is critical of the government
- 3) the person is not a student in one of the universities in South Africa
- 4) the person resigns from his or her employment

**1.3 Deprivation of citizenship in the case of children takes place when the parents of children ..... (2)**

- 1) under the age of 18 and born outside the Republic cease to be South African citizens by voluntarily obtaining citizenship of another country without requesting the retention of South African citizenship or as a result of deprivation
- 2) above the age of 18 and born outside the Republic cease to be South African citizens by voluntarily obtaining citizenship of another country without requesting the retention of South African citizenship or as a result of deprivation
- 3) under the age of 18 and born outside the Republic are convicted and sentenced to life imprisonment
- 4) above the age of 18 and born outside the Republic are convicted and sentenced to life imprisonment

**1.4 One of the rights that non-citizens are not entitled to is the right to..... (2)**

- 1) vote
- 2) equality
- 3) life
- 4) permanent employment

**TURN OVER**

**1.5 The question whether South African citizens in other countries are entitled to vote was dealt with in the case of.....** (2)

- 1) *August and Another v Electoral Commission and Others* (CCT8/99) [1999] ZACC 3, 1999 (3) SA 1, 1999 (4) BCLR 363 (1 April 1999)
- 2) *Richter v Minister for Home Affairs and Others* 2009 (5) BCLR 448 (CC)
- 3) *Khosa and others v Minister of Social Development and others* (2004) (6) BCLR 569 (CC) (4 March 2004)
- 4) *Larbi-Ordam and Others v The Member of the Executive Council for Education (North West Province) and Another*, 1998 (1) SA 745 (CC)

**1.6 Constitutionalism entails ....** (2)

- 1) the same thing as the mere fact of having a Constitution
- 2) having a written and supreme Constitution
- 3) essentially having either procedural or substantive limitations on the power of government
- 4) that the government is not limited in terms of the provisions of the Constitution

**1.7 Separation of powers requires ....** (2)

- 1) division of state authority between the legislative, executive and judicial authority (branches)
- 2) interaction between national, provincial and local spheres of government
- 3) encourages authoritarian rule and protection of human rights
- 4) that the legislative, executive and local governments have their own powers and functions

**1.8 The concept of democracy recognises ....** (2)

- 1) that there are three types of democracy, being representative democracy, participatory democracy and popular democracy
- 2) that government does not consider the will of the people
- 3) that the right to vote via the process of elections is the most fundamental aspect of representative democracy
- 4) that the government is not accountable to the electorate

**1.9 South Africa has the following form of government:** (2)

- 1) both features of the Presidential and the Parliamentary system of government
- 2) the head of state and the head of government are two different persons
- 3) the head of government is elected directly by the people
- 4) parliamentary supremacy

TURN OVER

**1.10 Judicial review .... (2)**

- 1) is undemocratic because judges have the power to strike down the decisions of a democratic legislature and a democratic and representative government
- 2) is in line with the principles of constitutionalism and democracy
- 3) means that the court is not empowered to declare unconstitutional any legislation that is not consistent with the constitution
- 4) infringes on the separation of powers principle

**[20]****QUESTION 2**

- 2 1 Themba is issued with refugee status in March 2012. In May 2012, he publishes an article which is critical of the judgment delivered by the Constitutional Court in April 2012. Does his article justify the cessation of his refugee status? (2)
- 2 2 Explain the instances justifying the cessation of refugee status (5)
- 2 3 In terms of the refugee law, the refugee status of a person may be withdrawn. What are the instances justifying the withdrawal of refugee status in terms of the Refugees Act 1998? (3)
- 2 4 Discuss the law governing immigrants' admission to South Africa and migrants' departure from South Africa (10)

**[20]****QUESTION 3**

- 3 1 Discuss the legislative history of South African citizenship (10)
- 3 2 Mr and Mrs Malapo are unemployed Zimbabwean citizens who have acquired permanent residence status in South Africa. They fled Zimbabwe in the 1980s as a result of the outbreak of civil war and sought refuge in South Africa. They integrated into the local community in Mpumalanga Province in January 2012, through the assistance of social workers. They applied for an old-age grant in February 2012. Their application for old-age grants were refused because they are not South African citizens. With reference to case law, discuss whether the refusal to grant them old-age grants is constitutional (5)
- 3 3 Discuss the law governing immigrants' admission to South Africa and migrants' departure from South Africa (5)

**[20]**

TURN OVER



**QUESTION 4**

- 4 1 Briefly discuss the principle of separation of powers with regard to the division of state authority between the branches of government. In your answer, you should also discuss the distribution of state authority among the branches of government (Legislative, Executive and Judicial authority) (10)
- 4 2 Distinguish between the parliamentary and presidential system of government and elaborate on the system which is followed in South Africa (10)  
[20]

**QUESTION 5**

- 5 1 Section 1 of the 1996 Constitution states that the Republic of South Africa is a democratic state founded *inter alia*, on the supremacy of the constitution and the rule of law. Briefly discuss the most important concepts which the state must adopt to become a democracy. In your answer you should discuss the following concepts:
- a) Constitutionalism (including constitutional supremacy) (5)
  - b) The rule of law (5)
  - c) Cooperative government (5)
- 5 2 Discuss whether you believe that judicial review is undemocratic or not (5)  
[20]

**TOTAL: {100}**

PART 1 (GENERAL/ALGEMEEN) DEEL 1

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For use by examination invigilator  
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IMPORTANT

1. USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
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4. ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
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7. CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
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BELANGRIK

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PART 2 (ANSWERS/ANTWOORDE) DEEL 2

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**CPD1501**

( 469390)

Mei/Junie 2016

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100 Punte

**EKSAMINATORE**

EERSTE  
TWEEDE

DR TW MASEKO  
PROF A SPIES

**Toeboekeksamen**

Hierdie eksamenvraestel bly die eiendom van die Universiteit van Suid-Afrika en mag nie uit die eksamenlokaal verwyder word nie

**Hierdie vraestel bestaan uit SES (6) bladsye.**

**LET ASSEBLIEF NOUKEURIG OP DIE VOLGENDE.**

- 1 BEANTWOORD AL VYF VRAE MOENIE DIE ONDERAFDELINGS VAN VRAE SKEI NIE**
- 2. VRAAG 1 MOET OP 'N APARTE MERKLEESBLAD BEANTWOORD WORD**
- 3 BEANTWOORD ELKE VRAAG VOLGENS DIE PUNT WAT DIT TEL**
- 4 VERMELD WAAR NODIG TOEPASLIKE HOFBESLISSINGS.**

**BLAAI OM**

**VRAAG 1**

- 1 'n Persoon se vlugtelingstatus kan ingetrek word indien dit (2)
- 1) kragtens artikel 36 van die Grondwet van 1996 redelik en regverdigbaar is om dit te doen
  - 2) kragtens artikel 39 van die Grondwet van 1996 redelik en regverdigbaar is om dit te doen
  - 3) kragtens artikel 36 van die Grondwet van 1996 redelik is om dit te doen
  - 4) kragtens artikel 39 van die Grondwet van 1996 regverdigbaar is om dit te doen
- 2 Wanneer 'n minderjarige om 'n sertifikaat van naturalisasie aansoek doen, vereis die Wet op Burgerskap 1995 dat die minderjarige bygestaan word deur (2)
- 1) 'n verantwoordelike ouer of voog
  - 2) 'n vriend
  - 3) 'n hof
  - 4) sy of haar skool
- 3 In die saak van *Minister of Home Affairs v Watchenuka and Others* (010/2003) [2003] ZASCA 142, [2004] 1 All SA 21 (SCA) (28 November 48, 2003) het die Hoogste Hof van Appèl nieburgers se reg op menswaardigheid bevestig (2)
- 1) Waar, want die hof het nieburgers se reg op menswaardigheid ingevolge artikel 10 van die Grondwet bevestig
  - 2) Vals, want die hof het beslis dat menswaardigheid nasionaliteit het, en dat nieburgers nie daarop geregtig is nie
  - 3) Waar, want die hof het nieburgers se reg op menswaardigheid ingevolge artikel 16 van die Grondwet bevestig
  - 4) Vals, want die hof het beslis dat nieburgers se reg op menswaardigheid nie aan die beperking van regte kragtens artikel 36 onderworpe is nie

BLAAI OM

- 4 Een van die vereistes vir 'n buitelanders om 'n permanente verblyfpermit te verkry is dat hy of sy moes (2)
- 1) 'n kind van 'n Suid-Afrikaanse burger gewees het
  - 2) 'n kind, ouer as 21, van 'n burger of permanente inwoner gewees het
  - 3) vir een jaar die gade van 'n burger of permanente inwoner gewees het en die Direkteur-Generaal moet oortuig wees dat 'n huweliksverhouding in goeie trou bestaan
  - 4) die houer van 'n werkspermit gewees, met inbegrip van een wat ingevolge 'n korporatiewe permit vir twee jaar uitgereik is, en dat hy of sy 'n aanbod van permanente indiensneming ontvang het
- 5 Kragtens die Wet op Vluchtelingen is een van die gronde waarop 'n asielversoekerspermit ingetrek kan word wanneer (2)
- 1) die applikant met 'n Suid-Afrikaanse burger trou
  - 2) bevind word dat die aansoek om asiel bedrieglik is
  - 3) die applikant van 'n Suid-Afrikaanse burger skei
  - 4) die applikant 'n Suid-Afrikaanse burger beswanger
- 6 Kragtens die Wet op Burgerskap 88 van 1995 is daar maniere waarop Suid-Afrikaanse burgerskap verkry kan word (2)
- 1) twee
  - 2) drie
  - 3) vier
  - 4) vyf

7 Ofskoon dit gewoonlik waar is dat iemand wat op of ná die datum van die inwerkingtreding van die Wet op Burgerskap in die Republiek gebore is, deur geboorte kwalifiseer as 'n Suid-Afrikaanse burger, is een van die gevalle waar sodanige persoon nie deur geboorte vir Suid-Afrikaanse burgerskap in aanmerking kom nie, wanneer een van die persoon se ouers ten tyde van sy of haar geboorte (2)

- 1) nie diplomatieke immunitet in die Republiek geniet nie
- 2) nie 'n beroepsverteenwoordiger van 'n ander land se regering was nie
- 3) nie in diens van die ambassade was nie
- 4) nie wettig vir permanente verblyf in die Republiek toegelaat was nie, en die ander ouer nie 'n Suid-Afrikaanse burger was nie

8 Burgerskap deur afkoms beteken dat 'n persoon verkry burgerskap deur middel van (2)

- 1) jou voorouers
- 2) naturalisasie
- 3) geboorte
- 4) beide naturalisasie en geboorte

9 Een van die vereistes waaraan 'n buitelanders moet voldoen voordat 'n sertifikaat van naturalisasie uitgereik kan word, is dat hy of sy bewyse moet lewer dat (2)

- 1) hy of sy vir tydelike verblyf wettig tot die Republiek toegelaat is
- 2) 'n asielzoekerspermit aan hom of haar uitgereik is
- 3) hy of sy vir permanente verblyf wettig tot die Republiek toegelaat is
- 4) vlugtelingstatus aan hom of haar toegeken is

10 'n Tydperk van verblyf of gewone verblyf sluit in (2)

- 1) enige tydperk waarin 'n applikant saam met sy of haar gade buite die Republiek gewoon het toe laasgenoemde aldus werksaam was
- 2) 'n tydperk waarin 'n buitelanders na skuldigbevinding in 'n gevangenis of ander plek van gevangenhouding in die Republiek opgesluit was
- 3) 'n tydperk waarin 'n buitelanders voorwaardelik, tydelik of strydig met enige wet van die Republiek in die Republiek vertoef het
- 4) 'n tydperk waarin 'n buitelanders 'n student aan een van die universiteite in Suid-Afrika was

[20]

## VRAAG 2

2.1 Bespreek die volgende burgerregte

- a) Politieke regte (10)
- b) Diplomatieke beskerming (5)
- c) Vryheid van bedryf, beroep en profesie (5)

2.2 Mnr X, 'n opgeleide ingenieur, ontvang 'n permanente verblyfpermit Twee maande daarna word hy as bestuurder by die Departement van Handel en Nywerheid aangestel Drie maande later ontvang hy 'n brief waarin hy meegedeel word dat sy diens beëindig is omdat hy 'n buitelanders is, en derhalwe nie vir permanente indiensneming in aanmerking kom nie Adviseer hom hieroor (10)

[30]

BLAAI OM

**VRAAG 3**

- 3.1 Bespreek kortliks die beginsel van magskeiding met betrekking tot die verdeling van staatsgesag tussen die takke van die regering. U moet in u antwoord ook die verspreiding van staatsgesag tussen die vertakings van die regering (wetgewende, uitvoerende gesag en regsprekende gesag) bespreek. (10)
- 3.2 Onderskei tussen die presidensiele en parlementêre regeringstelsel en bespreek die stelsel wat in Suid-Afrika gevold word. (10)
- [20]**

**VRAAG 4**

- 4.1 Artikel 1 van die 1996-Grondwet verklaar die Republiek van Suid-Afrika is 'n demokratiese staat gegrond op onder ander die oppergesag van die Grondwet en die heerskappy van die reg. Bespreek kortliks die belangrikste grondwetlike begrippe wat 'n staat volgens jou moet aanvaar ten einde 'n demokrasie te word. Bespreek in jou antwoord die volgende begrippe:
- a) Grondwetlikheid (waaronder grondwetlike oppergesag) (5)
  - b) Oppergesag van die reg (5)
  - c) Regning van samewerking (5)
- 4.2 Bespreek of geregtelike oorsig na u mening ondemokraties is. (5)
- [20]**

BLAAI OM



**VRAAG 5**

- 5.1 Artikel 181 van die Grondwet maak voorsiening vir die vestiging van staatsinstellings, bekend as Hoofstuk 9-instellings", om grondwetlike demokrasie in die Republiek te versterk. Noem en verduidelik die rol van enige twee van die Hoofstuk 9-instellings (4)
- 5.2 Onderskei tussen 'n wet en 'n beleid (2)
- 5.3 Bespreek die stelsel van proporsionele verteenwoordiging en wat dit vir die Suid-Afrikaanse kiesstelsel beteken (4)
- [10]**

**TOTAAL: {100}**

PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT e.g. PSY100 X  
STUDIE-EENHEID by PSY100-X

PAPER NUMBER  
VRAESTELNOMMER

INITIALS AND SURNAME  
VOORLETTERS EN VAN

DATE OF EXAMINATION  
DATUM VAN EKSAMEN

EXAMINATION CENTRE (E.G. PRETORIA)  
EKSAMENSENTRUM (BY PRETORIA)

STUDENT NUMBER  
STUDENTENOMMER

0 1 2 3 4 5 6 7 8 9

UNIQUE PAPER NO  
UNIEKE VRAESTEL NR

0 1 2 3 4 5 6 7 8 9

For use by examination invigilator  
Vir gebruik deur eksamenopsiener

IMPORTANT

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- CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
- CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
- CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
- DO NOT FOLD

BELANGRIK

- GEBRUIK SLEGS N HB POTLOOD OM HIERDIE BLAD TE VOLTOOI
- MERK AS VOLG
- KONTROLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS
- VUL U STUDENTENOMMER VAN LINKS NA REGS IN
- KONTROLEER DAT U DIE KORREKTE STUDENTENOMMER VERSTREK HET
- KONTROLLER DAT DIE UNIEKE NOMMER REG INGEVUL IS
- MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
- MOENIE VOU NIE

PART 2 (ANSWERS/ANTWOORDE) DEEL 2

1	(1) (2) (3) (4) (5)	36	(1) (2) (3) (4) (5)	71	(1) (2) (3) (4) (5)	106	(1) (2) (3) (4) (5)
2	(1) (2) (3) (4) (5)	37	(1) (2) (3) (4) (5)	72	(1) (2) (3) (4) (5)	107	(1) (2) (3) (4) (5)
3	(1) (2) (3) (4) (5)	38	(1) (2) (3) (4) (5)	73	(1) (2) (3) (4) (5)	108	(1) (2) (3) (4) (5)
4	(1) (2) (3) (4) (5)	39	(1) (2) (3) (4) (5)	74	(1) (2) (3) (4) (5)	109	(1) (2) (3) (4) (5)
5	(1) (2) (3) (4) (5)	40	(1) (2) (3) (4) (5)	75	(1) (2) (3) (4) (5)	110	(1) (2) (3) (4) (5)
6	(1) (2) (3) (4) (5)	41	(1) (2) (3) (4) (5)	76	(1) (2) (3) (4) (5)	111	(1) (2) (3) (4) (5)
7	(1) (2) (3) (4) (5)	42	(1) (2) (3) (4) (5)	77	(1) (2) (3) (4) (5)	112	(1) (2) (3) (4) (5)
8	(1) (2) (3) (4) (5)	43	(1) (2) (3) (4) (5)	78	(1) (2) (3) (4) (5)	113	(1) (2) (3) (4) (5)
9	(1) (2) (3) (4) (5)	44	(1) (2) (3) (4) (5)	79	(1) (2) (3) (4) (5)	114	(1) (2) (3) (4) (5)
10	(1) (2) (3) (4) (5)	45	(1) (2) (3) (4) (5)	80	(1) (2) (3) (4) (5)	115	(1) (2) (3) (4) (5)
11	(1) (2) (3) (4) (5)	46	(1) (2) (3) (4) (5)	81	(1) (2) (3) (4) (5)	116	(1) (2) (3) (4) (5)
12	(1) (2) (3) (4) (5)	47	(1) (2) (3) (4) (5)	82	(1) (2) (3) (4) (5)	117	(1) (2) (3) (4) (5)
13	(1) (2) (3) (4) (5)	48	(1) (2) (3) (4) (5)	83	(1) (2) (3) (4) (5)	118	(1) (2) (3) (4) (5)
14	(1) (2) (3) (4) (5)	49	(1) (2) (3) (4) (5)	84	(1) (2) (3) (4) (5)	119	(1) (2) (3) (4) (5)
15	(1) (2) (3) (4) (5)	50	(1) (2) (3) (4) (5)	85	(1) (2) (3) (4) (5)	120	(1) (2) (3) (4) (5)
16	(1) (2) (3) (4) (5)	51	(1) (2) (3) (4) (5)	86	(1) (2) (3) (4) (5)	121	(1) (2) (3) (4) (5)
17	(1) (2) (3) (4) (5)	52	(1) (2) (3) (4) (5)	87	(1) (2) (3) (4) (5)	122	(1) (2) (3) (4) (5)
18	(1) (2) (3) (4) (5)	53	(1) (2) (3) (4) (5)	88	(1) (2) (3) (4) (5)	123	(1) (2) (3) (4) (5)
19	(1) (2) (3) (4) (5)	54	(1) (2) (3) (4) (5)	89	(1) (2) (3) (4) (5)	124	(1) (2) (3) (4) (5)
20	(1) (2) (3) (4) (5)	55	(1) (2) (3) (4) (5)	90	(1) (2) (3) (4) (5)	125	(1) (2) (3) (4) (5)
21	(1) (2) (3) (4) (5)	56	(1) (2) (3) (4) (5)	91	(1) (2) (3) (4) (5)	126	(1) (2) (3) (4) (5)
22	(1) (2) (3) (4) (5)	57	(1) (2) (3) (4) (5)	92	(1) (2) (3) (4) (5)	127	(1) (2) (3) (4) (5)
23	(1) (2) (3) (4) (5)	58	(1) (2) (3) (4) (5)	93	(1) (2) (3) (4) (5)	128	(1) (2) (3) (4) (5)
24	(1) (2) (3) (4) (5)	59	(1) (2) (3) (4) (5)	94	(1) (2) (3) (4) (5)	129	(1) (2) (3) (4) (5)
25	(1) (2) (3) (4) (5)	60	(1) (2) (3) (4) (5)	95	(1) (2) (3) (4) (5)	130	(1) (2) (3) (4) (5)
26	(1) (2) (3) (4) (5)	61	(1) (2) (3) (4) (5)	96	(1) (2) (3) (4) (5)	131	(1) (2) (3) (4) (5)
27	(1) (2) (3) (4) (5)	62	(1) (2) (3) (4) (5)	97	(1) (2) (3) (4) (5)	132	(1) (2) (3) (4) (5)
28	(1) (2) (3) (4) (5)	63	(1) (2) (3) (4) (5)	98	(1) (2) (3) (4) (5)	133	(1) (2) (3) (4) (5)
29	(1) (2) (3) (4) (5)	64	(1) (2) (3) (4) (5)	99	(1) (2) (3) (4) (5)	134	(1) (2) (3) (4) (5)
30	(1) (2) (3) (4) (5)	65	(1) (2) (3) (4) (5)	100	(1) (2) (3) (4) (5)	135	(1) (2) (3) (4) (5)
31	(1) (2) (3) (4) (5)	66	(1) (2) (3) (4) (5)	101	(1) (2) (3) (4) (5)	136	(1) (2) (3) (4) (5)
32	(1) (2) (3) (4) (5)	67	(1) (2) (3) (4) (5)	102	(1) (2) (3) (4) (5)	137	(1) (2) (3) (4) (5)
33	(1) (2) (3) (4) (5)	68	(1) (2) (3) (4) (5)	103	(1) (2) (3) (4) (5)	138	(1) (2) (3) (4) (5)
34	(1) (2) (3) (4) (5)	69	(1) (2) (3) (4) (5)	104	(1) (2) (3) (4) (5)	139	(1) (2) (3) (4) (5)
35	(1) (2) (3) (4) (5)	70	(1) (2) (3) (4) (5)	105	(1) (2) (3) (4) (5)	140	(1) (2) (3) (4) (5)

Specimen only

**CPD1501**

( 472341) October/November 2016

**CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY**

Duration 2 Hours

100 Marks

**EXAMINERS .**

FIRST

SECOND

DR TW MASEKO

PROF A SPIES

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**Closed book examination**

**This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue**

**This examination question paper consists of FOUR (4) pages.**

**PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING INSTRUCTIONS:**

- 1. ANSWER ALL FOUR QUESTIONS DO NOT SEPARATE THE SUBSECTIONS OF A QUESTION**
- 2. QUESTION 1 MUST BE ANSWERED ON A SEPARATE MARK-READING SHEET.**
- 3. ANSWER EACH QUESTION ACCORDING TO THE MARKS ALLOCATED TO IT.**
- 4. REFER TO RELEVANT CASE LAW WHERE APPLICABLE.**

**TURN OVER**

**QUESTION 1****PLEASE SELECT THE CORRECT ANSWER.**

- 1 Constitutionalism means (2)
- 1) having a constitution
  - 2) having a written and supreme constitution
  - 3) having either procedural or substantive limitations on the power of government
  - 4) that the government is not limited in terms of the provisions of the constitution
- 2 Separation of powers requires (2)
- 1) division of state authority between the legislative, executive and judicial authorities (branches)
  - 2) interaction between national, provincial and local spheres of government
  - 3) authoritarian rule and protection of human rights
  - 4) that the legislative, executive and local governments have their own powers and functions
- 3 The concept of democracy recognises (2)
- 1) that there are three types of democracy, namely representative democracy, participatory democracy and popular democracy
  - 2) that government does not consider the will of the people
  - 3) that the right to vote via the process of elections is the most fundamental aspect of representative democracy
  - 4) that the government is not accountable to the electorate
- 4 South Africa has the following form of government (2)
- 1) It features both the presidential and the parliamentary systems of government
  - 2) The head of state and the head of government are two different persons
  - 3) The head of government is elected directly by the people
  - 4) Parliament is supreme
- 5 Judicial review (2)
- 1) is undemocratic because judges have the power to strike down the decisions of a democratic legislature and a democratic and representative government
  - 2) is in line with the principles of constitutionalism and democracy
  - 3) means that the court is not empowered to declare unconstitutional any legislation that is not consistent with the constitution
  - 4) infringes the principle of separation of powers

TURN OVER

- 6 The refugee status of a person may be withdrawn if it is (2)
- 1) reasonable and justifiable to do so in terms of section 36 of the Constitution of 1996
  - 2) reasonable and justifiable to do so in terms of section 39 of the Constitution of 1996
  - 3) reasonable to do so in terms of section 36 of the Constitution of 1996
  - 4) justifiable to do so in terms of section 39 of the Constitution of 1996
- 7 When applying for a certificate of naturalisation, the Citizenship Act 1995 requires that a minor is assisted by (2)
- 1) a responsible parent or guardian
  - 2) a friend
  - 3) a court
  - 4) his or her school
- 8 In terms of the case of *Minister of Home Affairs v Watchenuka and Others* (010/2003) [2003] ZASCA 142, [2004] 1 All SA 21 (SCA) (28 November 48, 2003), the Supreme Court of Appeal reiterated non citizens' right to human dignity (2)
- 1) True, because the court reiterated the right to human dignity of non-citizens in terms of section 10 of the Constitution
  - 2) False, because the court held that human dignity has nationality and non-citizens are not entitled to it
  - 3) True, because the court reiterated the right to human dignity of non-citizens in terms of section 16 of the Constitution
  - 4) False, because the court held that the right to human dignity of non-citizens is not subject to the limitation of rights in terms of section 36
- 9 One of the requirements for a foreigner to be issued with a permanent residence permit is that he or she must have been (2)
- 1) a child of a South African citizen
  - 2) a child, above the age of 21, of a citizen or permanent resident
  - 3) the spouse of a citizen or permanent resident for one year and the Director-General must be satisfied that a good faith spousal relationship exists
  - 4) the holder of a work permit, including one issued under a corporate permit for two years and have received an offer of permanent employment
- 10 In terms of the Refugees Act, one of the grounds on which an asylum seeker permit may be withdrawn is if the (2)
- (1) applicant gets married to a South African citizen
  - (2) application for asylum has been found to be fraudulent
  - (3) applicant divorces a South African citizen
  - (4) applicant impregnates a South African citizen

[20]

TURN OVER

**QUESTION 2**

- 2.1 Discuss the legislative history of South African citizenship law (15)
- 2.2 Mr and Mrs Malapo are unemployed Zimbabwean citizens who have acquired permanent residence status in South Africa. They fled Zimbabwe in the 1980s as a result of the outbreak of civil war and sought refuge in South Africa. They integrated into the local community in Mpumalanga province. In January 2012, through the assistance of the social workers, they applied for an old-age grant. In February 2012, their applications for old-age grants were refused because they are not South African citizens. With reference to case law, discuss whether the refusal of their application for old-age grants is constitutional (15)
- [30]**

**QUESTION 3**

- 3.1 Discuss the different forms of democracy and the various features that are common in most democratic constitutional states (10)
- 3.2 Briefly discuss the principle of separation of powers with regard to the division of state authority between the branches of government. In your answer, you should also discuss the distribution of state authority among the branches of government (Legislative, Executive and Judicial authority) (15)
- [25]**

**QUESTION 4**

- 4.1 Discuss the process by which a policy becomes law. In your answer, you should discuss the four (4) stages in detail (10)
- 4.2 Explain, in your own words, what you think public participation in a democracy means. In your answer, you should mention representative and participatory democracy (15)
- [25]**

**Total: {100}**

**PART 1 (GENERAL/ALGEMEEN) DEEL 1**

STUDY UNIT # g PSY100 X  
STUDIE EENHEID by PSY100-X

INITIALS AND SURNAME  
VOORLETTERS EN VAN

DATE OF EXAMINATION  
DATUM VAN EKSAMEN

PAPER NUMBER  
VRAESTELNOMMER

EXAMINATION CENTRE (E.G. PRETORIA)  
EKSAMENSENTRUM (BY PRETORIA)

STUDENT NUMBER  
STUDENTENOMMER

UNIQUE PAPER NO  
UNIEKE VRAESTEL NR.

For use by examination invigilator  
Vir gebruik deur eksamenopsiener

1 2 3 4 5 6 7 8 9

- IMPORTANT**
- 1 USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
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  - 5 CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
  - 6 CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
  - 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
  8. DO NOT FOLD

- BELANGRIK**
- 1 GEBUIK SLEGS N HB POTLOOD OM HIERDIE BLAD TE VOLTOOI
  - 2 MERK AS VOLG
  - 3 KONTROLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS
  - 4 VUL U STUDENTENOMMER VAN LINKS NA REGS IN
  - 5 KONTROLEER DAT U DIE KORRFKTE STUDENTENOMMER VERSTREK HET
  - 6 KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
  - 7 MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
  - 8 MOENIE VOU NIE

**PART 2 (ANSWERS/ANTWOORDE) DEEL 2**

10

1 c1) c2) c3) c4) c5)  
2 c1) c2) c3) c4) c5)  
3 c1) c2) c3) c4) c5)  
4 c1) c2) c3) c4) c5)  
5 c1) c2) c3) c4) c5)  
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Specimen only

**CPD1501**

( 483616)

May/June 2017

**CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY**

Duration 2 Hours

100 Marks

**EXAMINERS**

FIRST

SECOND

DR TW MASEKO

PROF A SPIES

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Closed book examination

This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue

This examination question paper consists of SIX (6) pages

**PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING:**

- 1 ANSWER ALL FOUR QUESTIONS DO NOT SEPARATE THE SUBSECTIONS OF A QUESTION**
- 2. QUESTION 1 MUST BE ANSWERED ON A SEPARATE MARK-READING SHEET.**
- 3. ANSWER EACH QUESTION ACCORDING TO THE MARKS ALLOCATED TO IT**
- 4. REFER TO RELEVANT CASE LAW WHERE APPLICABLE**

TURN OVER



**QUESTION 1****PLEASE SELECT THE CORRECT ANSWER.**

- 1 1 Constitutionalism entails (2)
- 1) the same thing as the mere fact of having a Constitution
  - 2) having a written and supreme Constitution
  - 3) essentially having either procedural or substantive limitations on the power of government
  - 4) that the government is not limited in terms of the provisions of the Constitution
- 1 2 Separation of powers requires (2)
- 1) division of state authority between the legislative, executive and judicial authority (branches)
  - 2) interaction between national, provincial and local spheres of government
  - 3) encourages authoritarian rule and protection of human rights
  - 4) that the legislative, executive and local governments have their own powers and functions
- 1 3 The concept of democracy recognizes (2)
- 1) that there are three types of democracy, being representative democracy, participatory democracy and popular democracy
  - 2) that government does not consider the will of the people
  - 3) that the right to vote via the process of elections is the most fundamental aspect of representative democracy
  - 4) that the government is not accountable to the electorate
- 1 4 South Africa has the following form of government (2)
- 1) both features of the Presidential and the Parliamentary system of government
  - 2) the head of state and the head of government are two different persons
  - 3) the head of government is elected directly by the people
  - 4) parliamentary supremacy
- 1 5 Judicial review (2)
- 1) is undemocratic because judges have the power to strike down the decisions of a democratic legislature and a democratic and representative government
  - 2) is in line with the principles of constitutionalism and democracy
  - 3) means that the court is not empowered to declare unconstitutional any legislation that is not consistent with the constitution
  - 4) infringes on the separation of powers principle

TURN OVER

- 1 6 In terms of the Citizenship Act 88 of 1995, there are methods of acquiring South African citizenship (2)
- 1) two
  - 2) three
  - 3) four
  - 4) five
- 1 7 In terms of the Refugee Act, one of the grounds on which an asylum seeker permit may be withdrawn is (2)
- (1) if the applicant gets married to a South African citizen
  - (2) if the application for asylum has been found to be fraudulent
  - (3) if the applicant divorces a South African citizen
  - (4) if the applicant impregnates a South African citizen
- 1 8 Citizenship by descent involves acquiring citizenship through (2)
- 1) your ancestry
  - 2) naturalization
  - 3) birth
  - 4) both naturalization and birth
- 1 9 One of the requirements that a foreigner must comply with in order to be issued with a certificate of naturalization is (2)
- 1) he or she must prove that he or she has been lawfully admitted to the Republic for temporary residence
  - 2) he or she must prove that he or she has been issued with an asylum seeker permit
  - 3) he or she must prove that he or she has been lawfully admitted to the Republic for permanent residence
  - 4) he or she must prove that he or she has been granted a refugee status
- 1 10 A period of residence or ordinary residence includes (2)
- 1) any period during which an applicant has been resident outside the Republic with his or her spouse while the latter was so employed
  - 2) a period when a foreigner is or was confined in a prison or other place of detention in the Republic after being convicted
  - 3) a period when a foreigner has sojourned in the Republic, either conditionally, temporarily or in contravention of any law in force in the Republic
  - 4) a period when a foreigner is a student in one of the Universities in South Africa

[20]

TURN OVER

**QUESTION 2**

- 2 1 Discuss the requirements that a foreigner must comply with in order to be issued with a certificate of naturalisation (10)
- 2 2 Explain what the period of residence or ordinary residence includes for the purposes of determining whether to grant a foreigner a certificate of naturalisation (5)
- 2 3 Siphso, a foreigner, was convicted of rape and sentenced to nine years' imprisonment in 2001. He served his nine years' sentence in the Pretoria prison. He comes to you for advice and he tells you that he wants to apply for a certificate of naturalisation after having been in South Africa for 10 years. Will he be issued with a certificate of naturalisation? Advise him (5)
- [20]**

**QUESTION 3**

- 3 1 Siphso holds both South African citizenship and Canadian citizenship. He has just learnt that he has been deprived of his South African citizenship. He comes to you for advice – he tells you that the reason why he is being deprived of his citizenship is that he was convicted and sentenced to five years' imprisonment for bank robbery in Canada. He wants to know whether his deprivation of citizenship is in accordance with the law. Advise him (5)
- 3 2 Explain the consequences of loss of citizenship by children deprived of their citizenship because their parents have ceased to be South African citizens through voluntarily obtaining citizenship of another country without requesting the retention of South African citizenship or as a result of deprivation (5)
- 3 3 Mr X, a qualified engineer, is issued with a permanent resident permit. Two months later he is appointed permanently as a manager by the Department of Trade and Industry. Three months later he receives a letter notifying him that his employment is withdrawn on the basis that he is a foreigner and therefore, does not qualify for permanent employment. Advise him (5)
- 3 4 Discuss the limitation of citizens' rights (section 36 of the constitution) (10)
- [25]**

TURN OVER

**QUESTION 4**

- 4 1 Distinguish between the parliamentary and presidential system of government and elaborate on the system which is followed in South Africa (10)
- 4 2 Briefly discuss the principle of separation of powers with regard to the division of state authority between the branches of government. In your answer, you should also discuss the distribution of state authority among the branches of government (Legislative, Executive and Judicial authority) (10)
- 4 3 Section 1 of the 1996 Constitution states that the Republic of South Africa is a democratic state founded inter alia, on the supremacy of the constitution and the rule of law. Briefly discuss the most important concepts which the state must adopt to become a democracy. In your answer you should discuss the following concepts
- a) Constitutionalism (including constitutional supremacy) (5)
  - b) The rule of law (5)
- 4 4 Discuss whether you believe that judicial review is undemocratic (5)
- [35]**

**TOTAL {100}**

**PART 1: (GENERAL/ALGEMEEN)-DEEL 1**

STUDY UNIT e.g. PSY100 X  
 STUDIE EENHEID by PSY100-X

INITIALS AND SURNAME  
 VOORLETTERS EN VAN

DATE OF EXAMINATION  
 DATUM VAN EKSAMEN

PAPER NUMBER  
 VRAESTELNOMMER

EXAMINATION CENTRE (E.G. PRETORIA)  
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STUDENT NUMBER  
 STUDENTENOMMER

UNIQUE PAPER NO.  
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For use by examination invigilator  
 Vir gebruik deur eksamenopsiener

- IMPORTANT**
- USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
  - MARK LIKE THIS ➡
  - CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
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**PART 2: (ANSWERS/ANTWOORDE)-DEEL 2**

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34	(1) (2) (3) (4) (5)	69	(1) (2) (3) (4) (5)	104	(1) (2) (3) (4) (5)	139	(1) (2) (3) (4) (5)
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- ① Write your paper code in these eight squares, for instance

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- ② The paper number pertains only to first-level courses consisting of two papers

WRITE 

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 for the first paper and 

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 for the second. If only one paper, then leave blank

- ③ Fill in your initials and surname
- ④ Fill in the date of the examination
- ⑤ Fill in the name of the examination centre
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- ⑦ In each vertical column mark the digit that corresponds to the digit in your student number as follows [-]
- ⑧ WRITE your unique paper number HORIZONTALLY  
NB Your unique paper number appears at the top of your examination paper and consists only of digits (e.g. 403326)
- ⑨ In each vertical column mark the digit that corresponds to the digit number in your unique paper number as follows [-]
- ⑩ Question numbers 1 to 140 indicate corresponding question numbers in your examination paper. The five spaces with digits 1 to 5 next to each question number indicate an alternative answer to each question. The spaces of which the number correspond to the answer you have chosen for each question and should be marked as follows [-]

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**CPD1501**

( 470179)    October/November 2017

**CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY**

Duration    2 Hours

100 Marks

**EXAMINERS**

FIRST

SECOND

DR TW MASEKO

PROF A SPIES

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**This examination question paper consists of SIX (6) pages.**

**PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING:**

- 1.    ANSWER ALL FOUR QUESTIONS. DO NOT SEPARATE THE SUBSECTIONS OF A QUESTION.**
- 2.    QUESTION 1 MUST BE ANSWERED ON A SEPARATE MARK-READING SHEET.**
- 3.    ANSWER EACH QUESTION ACCORDING TO THE MARKS ALLOCATED TO IT.**
- 4.    REFER TO RELEVANT CASE LAW WHERE APPLICABLE**

**TURN OVER**

## QUESTION 1

## PLEASE SELECT THE CORRECT ANSWER

- 1 A period of residence or ordinary residence includes (2)
- 1) any period during which an applicant has been employed outside the Republic in the service of the Government of the Republic or on a ship or aircraft or a public means of transport registered or licensed in and operating from the Republic
  - 2) a period when a foreigner is or was confined in a prison or other place of detention in the Republic after being convicted
  - 3) a period when a foreigner has sojourned in the Republic, either conditionally, temporarily or in contravention of any law in force in the Republic
  - 4) a period when a foreigner is a student at one of the universities in South Africa
- 2 The question whether South African citizens in other countries are entitled to vote was dealt with in the case of (2)
- 1) *August and Another v Electoral Commission and others* (CCT8/99) [1999] ZACC 3, 1999 (3) SA 1, 1999 (4) BCLR 363 (1 April 1999)
  - 2) *Richter v Minister for Home Affairs and Others* 2009 (5) BCLR 448 (CC)
  - 3) *Khosa and others v Minister of Social Development and others* (2004) (6) BCLR 569 (CC) (4 March 2004)
  - 4) *Larbi-Ordam and others v the member of the Executive Council for Education (North West Province) and another*, 1998 (1) SA 745 (CC)
- 3 Deprivation of citizenship in the case of children takes place when (2)
- 1) the parents of children under the age of 18 and born outside the Republic cease to be South African citizens by voluntarily obtaining citizenship of another country without requesting the retention of South African citizenship or as a result of deprivation
  - 2) the parents of children above the age of 18 and born outside the Republic cease to be South African citizens by voluntarily obtaining citizenship of another country without requesting the retention of South African citizenship or as a result of deprivation
  - 3) the parents of children under the age of 18 and born outside the Republic are convicted and sentenced to life imprisonment
  - 4) the parents of children above the age of 18 and born outside the Republic are convicted and sentenced to life imprisonment

TURN OVER



- 4 One of the rights that non-citizens are not entitled to is (2)
- 1) the right to vote
  - 2) the right to equality
  - 3) the right to life
  - 4) the right to permanent employment
- 5 One of the methods of losing South African citizenship in terms of the Citizenship Act 1995 is (2)
- 1) when an automatic statutory operation takes place
  - 2) when the person is critical of the government
  - 3) when the person is not a student at one of the universities in South Africa
  - 4) when the person resigns from his or her employment
- 6 Constitutionalism entails (2)
- 1) the same thing as the mere fact of having a Constitution
  - 2) having a written and supreme Constitution
  - 3) essentially having either procedural or substantive limitations on the power of government
  - 4) that the government is not limited in terms of the provisions of the Constitution
- 7 Separation of powers requires (2)
- 1) division of state authority between the legislative, executive and judicial authority (branches)
  - 2) interaction between national, provincial and local spheres of government
  - 3) encourages authoritarian rule and protection of human rights
  - 4) that the legislative, executive and local governments have their own powers and functions
- 8 The concept of democracy recognises (2)
- 1) that there are three types of democracy, being representative democracy, participatory democracy and popular democracy
  - 2) that government does not consider the will of the people
  - 3) that the right to vote via the process of elections is the most fundamental aspect of representative democracy
  - 4) that the government is not accountable to the electorate

TURN OVER

- 9 South Africa has the following form of government (2)
- 1) both features of the Presidential and the Parliamentary system of government
  - 2) the head of state and the head of government are two different persons
  - 3) the head of government is elected directly by the people
  - 4) parliamentary supremacy
- 10 Judicial review (2)
- 1) is undemocratic because judges have the power to strike down the decisions of a democratic legislature and a democratic and representative government
  - 2) is in line with the principles of constitutionalism and democracy
  - 3) means that the court is not empowered to declare unconstitutional any legislation that is not consistent with the constitution
  - 4) infringes on the separation of powers principle

**[20]****QUESTION 2**

- 2 1 Sipho has both South African citizenship and citizenship of Canada. He has just learnt that he has been deprived of his South African citizenship. He comes to you for an advice and tells you that the reason for the deprivation of his citizenship is because he was convicted and sentenced to five years imprisonment for a bank robbery in Canada. He wants to know if the deprivation of his citizenship is in accordance with the law. Advise him (5)
- 2 2 Themba is issued with a refugee status in March 2016. In May 2017, he publishes an article which is critical of the judgment delivered by the Constitutional Court in April 2012. Does his article justify the cessation of his refugee status? (2)
- 2 3 Explain the instances justifying the cessation of refugee status (5)
- 2 4 Discuss the system of proportional representation and what it means for the South African electoral system (5)
- 2 5 Discuss whether you believe that judicial review is undemocratic (5)

**[22]****QUESTION 3**

- 3 1 Discuss the following rights of citizens
- (a) Political rights (10)
  - (b) The right to enter, to remain in and to reside anywhere in the Republic (4)
  - (c) Freedom of trade, occupation and profession (4)

TURN OVER

- 3 2 Mr X, a qualified engineer, is issued with permanent residence permit. Two months later, he is appointed permanently as a manager by the Department of Trade and Industry. Three months later, he receives a letter notifying him that his employment is withdrawn on the basis that he is a foreigner and therefore does not qualify for permanent employment status. Advise him. (10)

**[28]****QUESTION 4**

- 4 1 Briefly discuss the principle of separation of powers with regard to the division of state authority between the branches of government. In your answer, you should also discuss the distribution of state authority among branches of government (Legislative, Executive and Judiciary). (10)
- 4 2 Mr and Mrs Malapo are unemployed Zimbabwean citizens who have acquired permanent residence status in South Africa. They fled Zimbabwe in the 1980s as a result of the outbreak of civil war and sought refuge in South Africa. They integrated into the local community in Mpumalanga province. In January 2017, through the assistance of the social workers, they applied for an old-age grant. In February 2017, their applications for old-age grants were refused because they are not South African citizens. With reference to case law, discuss whether the refusal of their old-age grants is constitutional. (10)
- 4 3 The confidentiality of asylum applications and the information contained in them need to be ensured at all times. However, the Refugee Appeals Authority may, on application and on conditions it deems fit, allow any person or the media to attend or report on its hearing. Discuss those conditions? (10)

**[30]****TOTAL: {100}**

**PART 1: (GENERAL/ALGEMEEN) DEEL 1**

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EXAMINATION CENTRE (E.G. PRETORIA)  
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For use by examination invigilator  
Vir gebruik deur eksamenopsiener

**IMPORTANT**

- 1 USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
- 2 MARK LIKE THIS
- 3 CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
- 4 ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
- 5 CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
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- 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
- 8 DO NOT FOLD

**BELANGRIK**

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**PART 2: (ANSWERS/ANTWOORDE) DEEL 2**

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Specimen only

## MARK READING SHEET INSTRUCTIONS

Your mark reading sheet is marked by computer and should therefore be filled in thoroughly and correctly

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*PLEASE DO NOT FOLD OR DAMAGE YOUR MARK READING SHEET*

Consult the illustration of a mark reading sheet on the reverse of this page and follow the instructions step by step when working on your sheet

Instruction numbers ① to ⑩ refer to spaces on your mark reading sheet which you should fill in as follows

- ① Write your paper code in these eight squares, for instance

P	S	Y	1	0	0	-	X
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- ② The paper number pertains only to first-level courses consisting of two papers

WRITE 

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- ③ Fill in your initials and surname
- ④ Fill in the date of the examination
- ⑤ Fill in the name of the examination centre
- ⑥ WRITE the digits of your student number HORIZONTALLY (from left to right). Begin by filling in the first digit of your student number in the first square on the left, then fill in the other digits, each one in a separate square
- ⑦ In each vertical column mark the digit that corresponds to the digit in your student number as follows [-]
- ⑧ WRITE your unique paper number HORIZONTALLY  
NB Your unique paper number appears at the top of your examination paper and consists only of digits (e.g. 403326)
- ⑨ In each vertical column mark the digit that corresponds to the digit number in your unique paper number as follows [-]
- ⑩ Question numbers 1 to 140 indicate corresponding question numbers in your examination paper. The five spaces with digits 1 to 5 next to each question number indicate an alternative answer to each question. The spaces of which the number correspond to the answer you have chosen for each question and should be marked as follows [-]
- ◆ For official use by the invigilator. Do not fill in any information here