

**CPD1501**

( 469390)

May/June 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**

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

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

- 1. ANSWER ALL FIVE 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

- 1 The refugee status of a person may be withdrawn if- (2)
- 1) it is reasonable and justifiable to do so in terms of section 36 of the Constitution of 1996
  - 2) it is reasonable and justifiable to do so in terms of section 39 of the Constitution of 1996
  - 3) it is reasonable to do so in terms of section 36 of the Constitution of 1996
  - 4) it is justifiable to do so in terms of section 39 of the Constitution of 1996
- 2 When applying for a certificate of naturalization, the Citizenship Act 1995 requires that a minor be assisted by (2)
- 1) a responsible parent or guardian
  - 2) a friend
  - 3) a court
  - 4) his or her school
- 3 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---the court reiterated the right to human dignity of non-citizens in terms of section 10 of the Constitution
  - 2) False----the court held that human dignity has nationality and non-citizens are not entitled to it
  - 3) True ---the court reiterated the right to human dignity of non-citizens in terms of section 16 of the Constitution
  - 4) False--- 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

TURN OVER

- 4 One of the requirements for a foreigner to be issued with a permanent residence permit is- (2)
- 1) he or she must have been a child of a South African citizen
  - 2) he or she must have been a child, above the age of 21, of a citizen or permanent resident
  - 3) he or she must have been 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) he or she must have been the holder of a work permit, including one issued under a corporate permit for two years and have received an offer of permanent employment,
- 5 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
- 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

TURN OVER

7 While it is usually true that a person born in the Republic on or after the commencement of the Citizenship Act qualifies for citizenship by birth, one of the instances where such a person does not qualify for citizenship by birth in South Africa is (2)

- 1) Where a person, at the time of his or her birth one of his parents does not enjoy diplomatic immunity in the Republic
- 2) Where a person, at the time of his or her birth one of his parents is not a career representative of the government of another country,
- 3) Where a person, at the time of his or her birth one of his parents is not a person employed in the embassy
- 4) Where a person, at the time of his or her birth one of his parents has not been lawfully admitted to the Republic for permanent residence and his or her other parent was not a South African citizen

8 Citizenship by descent involves-- (2)

- 1) Acquiring citizenship through your ancestry
- 2) Acquiring citizenship through naturalization
- 3) Acquiring citizenship through birth
- 4) Acquiring citizenship through both naturalization and birth

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

TURN OVER

- 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]**

## QUESTION 2

- 2 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 (5)
  - c) Freedom of trade, occupation and profession (5)
- 2 2 Mr X, a qualified engineer, is issued with 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 (10)
- [30]**

TURN OVER

**QUESTION 3**

- 3 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)
- 3 2 Distinguish between the parliamentary and presidential system of government and elaborate on the system which is followed in South Africa (10)
- [20]**

**QUESTION 4**

- 4 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)
- 4 2 Discuss whether you believe that judicial review is undemocratic (5)
- [20]**

TURN OVER

**QUESTION 5**

- 5 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)
- 5 2 Differentiate between a law and a policy (2)
- 5 3 Discuss the system of proportional representation and what it means for the South African electoral system (4)
- [10]**

**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)  
 EKSAMENSENTRUM (BY PRETORIA)

STUDENT NUMBER STUDENTENOMMER	UNIQUE PAPER NO UNIEKE VRAESTEL NR.
01 02 03 04 05 06 07 08	01 02 03 04 05 06 07 08
09 10 11 12 13 14 15 16	09 10 11 12 13 14 15 16
17 18 19 20 21 22 23 24	17 18 19 20 21 22 23 24
25 26 27 28 29 30 31 32	25 26 27 28 29 30 31 32
33 34 35 36 37 38 39 40	33 34 35 36 37 38 39 40
41 42 43 44 45 46 47 48	41 42 43 44 45 46 47 48
49 50 51 52 53 54 55 56	49 50 51 52 53 54 55 56
57 58 59 60 61 62 63 64	57 58 59 60 61 62 63 64
65 66 67 68 69 70 71 72	65 66 67 68 69 70 71 72
73 74 75 76 77 78 79 80	73 74 75 76 77 78 79 80
81 82 83 84 85 86 87 88	81 82 83 84 85 86 87 88
89 90 91 92 93 94 95 96	89 90 91 92 93 94 95 96
97 98 99 00 01 02 03 04	97 98 99 00 01 02 03 04

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
  - 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
- BELANGRIK**
- GEBUIK 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 DIF KORREKTE STUDENTENOMMER VRFSTREK HET
  - KONTROLEER 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 01 02 03 04 05	36 01 02 03 04 05	71 01 02 03 04 05	106 01 02 03 04 05
2 01 02 03 04 05	37 01 02 03 04 05	72 01 02 03 04 05	107 01 02 03 04 05
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Specimen only