

**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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**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 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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INITIALS AND SURNAME  
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EKSAMENSENTRUM (BV 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
- 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**

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- 6 KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
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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

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

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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 [-]
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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 corresponds 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