

CPD1501

(483616)

May/June 2017

CITIZENSHIP, PUBLIC PARTICIPATION AND DEMOCRACY

Duration 2 Hours

100 Marks

EXAMINERS

FIRST

SECOND

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PROF A SPIES

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 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)
 EKSAMENSENTRUM (BY PRETORIA)

STUDENT NUMBER
 STUDENTENOMMER

UNIQUE PAPER NO.
 UNIEKE VRAESTEL NR.

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
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 - 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 DIF KORREKTE STUDENTENOMMER VERSTREK 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

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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

USE ONLY AN HB PENCIL TO COMPLETE YOUR MARK READING SHEET

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

0	1
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 for the first paper and

0	2
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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
- 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