

Tutorial Letter 101/3/2018

**Citizenship, public participation and
democracy**

CPD1501

Semesters 1 and 2

**Department of Public Constitutional and
International law**

IMPORTANT INFORMATION

This tutorial letter contains important information
about your module.

BARCODE

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1 INTRODUCTION

Dear Student

We take pleasure in welcoming you to the module Citizenship, Public Participation and Democracy, one of the compulsory modules for the Diploma in Law. We hope that you will find this module interesting and rewarding. We will do everything we can to help you make a success of this year's studies. You will be well on your way to success if you start studying early in the year.

This tutorial letter contains important information on this module. We urge you to read it carefully and to keep it available when working through the tutorial material, preparing for the examination and addressing questions to your lecturers. This tutorial letter also provides all the information you need about the prescribed tutorial material and how to obtain it. Study this information carefully and make sure that you obtain the prescribed material as soon as possible.

An important section of this tutorial letter contains certain general and administrative information about this module. Study this section carefully. Right from the start we would like to point out that you must read all the tutorial letters you receive during the semester immediately and carefully. The information they contain is always important and sometimes urgent as well.

We hope that you will enjoy this module and wish you all the best!

2 PURPOSE AND OUTCOMES

2.1 Purpose

The purpose of this module is to enable you to understand and identify the concepts regarding citizenship, democracy and the Constitution and also to evaluate what their role is in society, by establishing how the public would participate in a democratic state like South Africa. This module will therefore equip you with sufficient theoretical knowledge, skills and competencies to analyse and evaluate situations or scenarios pertaining to citizenship and democracy in South Africa.

2.2 Outcomes

Each study unit, at the beginning, has outcomes which tell you what you are supposed to be able to do after working your way through a particular unit. The purpose of the outcomes is to enable you not only to understand the content of each study unit but also to understand the reasons for activities and feedback on activities at the end of each study unit.

The outcomes in **part A** which covers Citizenship Law will make it easy for you to:

- discuss legislative history of citizenship law in South Africa and apply the methods of acquiring citizenship
- describe and apply the loss of citizenship, the effect of losing citizenship as well as the resumption of citizenship in South Africa to practical situations
- apply the law pertaining to rights, privileges and benefits of citizenship in South Africa and describe the limitation of citizens' rights in South Africa
- apply the immigration and refugee laws in South Africa to practical situations

The outcomes in **part B** which covers Democracy and Public Participation will make it easy for you to:

- analyse and apply the principles of democracy and public participation in South Africa to practical situations
- investigate the role that government plays in a South African democracy
- discuss the public's role in national, provincial and local governments

3 LECTURER(S) AND CONTACT DETAILS

3.1 Lecturer(s)

All queries that are not of a purely administrative nature **but are about the contents of this module** should be addressed to us. Have your tutorial material with you when you contact us by telephone.

Your lecturers' contact details are as follows

	Dr Themba Maseko	Prof Amanda Spies
Telephone	012 429 8359	012 429 8692
Fax	012 429 8587	012 429 8587
E-mail	masektw@unisa.ac.za	spiesa@unisa.ac.za
Post	Dept Public, Constitutional and International Law PO Box 392 UNISA 0003	Dept Public, Constitutional and International Law PO Box 392 UNISA 0003
Office	Cas Van Vuuren Building Room 7-22 (Unisa Main Campus Muckleneuk Ridge)	Cas Van Vuuren Building Room 7-66 (Unisa Main Campus Muckleneuk Ridge)

We CANNOT assist you with queries pertaining to

- examination dates
- applications for re-marks or aegrotat examinations
- whether your assignment was received by the university or not
- issuing of study material or if you did not receive all your study material
- your marks for the assignments

You are welcome to visit us to discuss any queries about or problems with the module. However, **please make an appointment beforehand**, otherwise you run the risk of the lecturer not being available to see you.

3.2 Department

The department can be reached by telephone 012 429 8339 or fax 012 429 8587. Please be advised that all study material can be downloaded on MyUnisa.

3.3 University

If you need to contact the University about matters not related to the content of this module, please consult the publication My Studies @ Unisa which you received with your study material. This booklet contains information on how to contact the University (e.g. to whom you may write, important telephone and fax numbers, addresses and details of the times certain facilities are open).

Please remember to refer to your student number when you contact Unisa.

4 RESOURCES**4.1 Prescribed books**

There is **no prescribed book** for this module. There is only the Study Guide for study purposes. For your own interest or in order to further your knowledge, you can consult the references cited in the Study Guide.

4.2 Recommended books

There are **no** recommended books for this module.

4.3 Electronic reserves (e-reserves)

There are **no** Electronic Reserves for this module.

4.4 Library services and resources information

For brief information, go to www.unisa.ac.za/brochures/studies. For detailed information, go to <http://www.unisa.ac.za/library>. For research support and services of personal librarians, click on “Research support”.

The Library has compiled a number of library guides:

- finding recommended reading in the print collection and e-reserves – <http://libguides.unisa.ac.za/request/undergrad>
- requesting material – <http://libguides.unisa.ac.za/request/request>
- postgraduate information services – <http://libguides.unisa.ac.za/request/postgrad>
- finding , obtaining and using library resources and tools to assist in doing research – http://libguides.unisa.ac.za/Research_Skills
- how to contact the library/finding us on social media/frequently asked questions – <http://libguides.unisa.ac.za/ask>

5 STUDENT SUPPORT SERVICES

For information on the various student support systems and services available at Unisa (eg student counselling, tutorial classes, language support), please consult the publication *My studies @ Unisa* that you received with your study material.

6 STUDY PLAN

Use your myStudies@Unisa brochure for general time management and planning skills.

7 PRACTICAL WORK AND WORK-INTEGRATED LEARNING

There are no practicals for this module.

8 ASSESSMENT

8.1 Assessment criteria

Specific outcomes and assessment criteria	
Specific outcome	Assessment criteria
1	Discuss legislative history of citizenship law in South Africa and apply the methods of acquiring citizenship. <ul style="list-style-type: none">• Legislative history of citizenship law is discussed• The methods of acquiring citizenship are applied to practical situations.
2	Apply the manner one loses his or her citizenship, the effect of losing citizenship as well as the resumption of citizenship in South Africa to practical situations. <ul style="list-style-type: none">• The manner one loses his or her citizenship, the effect of losing citizenship as well as the resumption of citizenship in South Africa are applied to practical situations.

3	Apply the law pertaining to rights, privileges and benefits of citizenship in South Africa and describe the limitation of citizens' rights in South Africa.	<ul style="list-style-type: none"> • The advice on the law pertaining to rights, privileges and benefits of citizenship in South Africa is rendered. • The law pertaining to the limitation of citizens' rights in South Africa is described.
4	Apply the immigration and refugee laws in South Africa to practical situations.	<ul style="list-style-type: none"> • The law governing immigration in South Africa is applied to practical situations. • Refugee laws are also applied to practical situations.
5	Analyse and apply the principles of democracy and public participation in South Africa to practical situations.	<ul style="list-style-type: none"> • Different forms of democracy in South Africa are analysed. • The role that the Constitution plays in a democratic South Africa and the principles related thereto, are discussed. • The role that public participants play in a democratic country is outlined. • Clients are advised on problems relating to the application of the principles of democracy and public participation.
6	Investigate the role that government plays in a South African democracy.	<ul style="list-style-type: none"> • The different branches and spheres of government and the role that each of them play in a South African democracy will be differentiated.
7	Discuss the public's role in National, Provincial and Local governments	<ul style="list-style-type: none"> • The role that the public plays in the process of making laws and policies in all spheres of government in South Africa is examined. • The structures in place to support public participation are discussed.

8.2 Assessment plan

The compulsory assignments will count **20%** towards your final mark for the module. How will this work? Your final mark for the module will be a combination of your mark for the assignment and your exam mark. The examination paper still counts 100 marks, but the exam mark contributes only 80% towards the final mark.

All students who submit the compulsory assignments in time (received by the university on or before the due date) will be admitted to the examination, regardless of the marks obtained for the assignments. In other words, a student who submitted the compulsory assignments but obtained 0% will be allowed to sit

the examination. That student will not, however, have a year mark. Students who do not submit the compulsory assignments on or before the due date **will not gain admission to the examination.**

8.3 Assignment numbers

8.3.1 General assignment numbers

There are two compulsory assignments that have been set.

PLEASE NOTE that only *bona fide* attempts at answering the assignment questions will be marked. Blank assignments will not be taken into account and will be returned unmarked.

8.3.2 Unique assignment numbers

First semester compulsory assignments

The Unique number for the First Compulsory assignment is **747527**. This number **must** appear on your mark-reading sheet cover.

The Unique number for the Second Compulsory assignment is **676147**. This number **must** appear on your mark-reading sheet cover.

Second semester compulsory assignments

The Unique number for the First Compulsory assignment is **871438**. This number **must** appear on your mark-reading sheet cover.

The Unique number for the Second Compulsory assignment is **741893**. This number **must** appear on your mark-reading sheet cover.

8.4 Due dates for assignments

Semester 1: The **due date** for the submission of **BOTH** the compulsory assignments is **16 MARCH 2018. NO EXTENSIONS WILL BE GRANTED.**

Semester 2: The **due date** for the submission of **BOTH** the compulsory assignments is **24 AUGUST 2018. NO EXTENSIONS WILL BE GRANTED.**

8.5 Submission of assignments

Assignments should be addressed to

The Registrar

PO Box 392

UNISA

0003

You may submit written assignments and assignments done on mark-reading sheets either by post or electronically via *myUnisa*. Assignments may **not** be submitted by fax or e-mail. For detailed information and requirements as far as assignments are concerned, see the brochure *My studies @ Unisa*, which you received with your study material.

To submit an assignment **via myUnisa**:

- Go to *myUnisa*.
- Log in with your student number and password.
- Select the module.
- Click on "Assignments" in the menu on the left.
- Click on the assignment number you want to submit.
- Follow the instructions on the screen.

8.6 The assignments

Assignments are seen as part of the learning material for this module. As you do the assignment, study the reading texts, consult other resources, discuss the work with fellow students or tutors or do research, you are actively engaged in learning. Looking at the assessment criteria given for each assignment will help you to understand what is required of you more clearly.

For your convenience the assignments are attached to this tutorial letter as **addendums A and B**. **Addendum A** contains the compulsory assignment for the **FIRST SEMESTER**. **Addendum B** contains the compulsory assignment for the **SECOND SEMESTER**.

Complete the assignments as indicated, on the mark-reading sheet enclosed. Make sure you have filled in the assignments' unique numbers and enclose the assignments in the official assignment covers and mail them to the **Assignment Section** in the Unisa assignment envelope.

Your assignment may also be submitted electronically. Follow the *myUnisa* instructions.

Under no circumstances must you send your assignment directly to your lecturers.

It is wise to **make a copy of the assignment** before submitting it, in case it gets lost in the post.

8.6.1 Assignment instructions

- The answer must be coherent, based on sound legal arguments substantiated and supported by reference to relevant authority (legislation, case law, articles by legal writers and so on).
- Language must be clear and grammatically and stylistically correct.

- If at all possible, the assignment should be typed, in at least 1,5 spacing. If you are not able to submit a typed answer, you may submit a **neat and legible** handwritten answer.

8.6.2 Feedback on assignments

You will receive the correct answers automatically for multiple-choice questions. For written assignments, markers will comment constructively on your work. However, feedback on compulsory assignments **will be sent to all students registered for this module** in a follow-up tutorial letter, and not only to those students who submitted the assignments.

As soon as you have received the feedback, please check your answers. The assignments and the feedback on these assignments constitute an important part of your learning and should help you to be better prepared for the next assignment and the examination.

8.6.3 Plagiarism

Plagiarism is the use of the words, ideas and thoughts of another person, giving the impression that they are your own. Plagiarism is a form of theft that manifests itself in various dishonest academic activities.

The *Disciplinary code for students* (2004) is supplied to all students on registration. You are advised to study the Code, especially sections 2.1.13 and 2.1.14 (2004:3-4). Please also read the university's *Policy on copyright infringement and plagiarism*.

Although students may work together when preparing assignments, each student must write and submit his or her own individual assignment. In other words, you must submit your own ideas in your own words, sometimes interspersing relevant short quotations that are properly referenced.

It is unacceptable for students to submit identical assignments on the basis that they worked together. That is copying (a form of plagiarism) and none of these assignments will be marked.

Furthermore, you may be penalised or subjected to disciplinary proceedings by the university.

8.7 Other assessment methods

There are **no** other methods of assessment.

8.8 The examination

The module consists of a **two-hour examination paper**. This module is a semester module, and examinations will be held in May/June 2018 and October/November 2018. This means that the supplementary examination for the May/June 2018 exam will take place in October/November 2018 and the supplementary exam for October/November 2018 will take place in May/June 2019.

We would like to warn you that **it is your OWN responsibility to ensure that you have worked through the study material in good time and thoroughly.**

9 FREQUENTLY ASKED QUESTIONS

Is the Citizenship Law Amendment Act 2010 now in operation? Yes this Act came into operation on 01 January 2013.

Are the type of questions that will be asked in the examination similar to those asked in the activities? You may accept that the type of questions that will be asked in the examination will be similar to those asked in the activities in your study guide and in the assignments.

How many tutorial letters does this module have? This module has two tutorial letters, i.e Tut letter 101 and 201.

Which tut letter contains feedback to the assignment and the format of the exam paper? It is Tut letter 201.

10 SOURCES CONSULTED

No sources consulted.

11 IN CLOSING

This tutorial letter, as you have seen, contains very important information about this module. Please pay particular attention to the assignment questions and the due dates of the assignments. You must also ensure that you familiarise yourself with the assessment criteria for this module.

We wish you every success with your studies.

ADDENDUM A: FIRST SEMESTER COMPULSORY ASSIGNMENTS

Due date for BOTH assignments: 16 MARCH 2018

NO EXTENSIONS WILL BE GRANTED

FIRST COMPULSORY ASSIGNMENT

1. Your unique number is: **747527**
2. This number **must** appear on your mark-reading sheet cover.

Instructions

1. Please select the **correct answer**.
2. Complete the assignment on the mark-reading sheet enclosed.
3. **DO NOT** hand in this assignment in the same assignment cover as the second assignment.
4. **DO NOT** staple the two assignments together.
5. Clearly indicate on the assignment cover of this assignment that it is **ASSIGNMENT 01**.

Marking of the assignment

Each answer carries 2 marks.

No mark will be awarded for an incorrect answer.

No mark will be awarded for an unanswered question.

The assignment is not marked negatively: that is, marks will not be deducted for incorrect answers.

Please select the correct answer.

Questions

1. 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.

2 In terms of the Refugee Act, one of the grounds on which an asylum seeker permit may be withdrawn is if: **(2)**

- (1) the applicant gets married to a South African citizen.
- (2) the application for asylum has been found to be fraudulent.
- (3) the applicant divorces a South African citizen.
- (4) the applicant impregnates a South African citizen.

3 Citizenship by descent involves acquiring citizenship through -- **(2)**

- 1) ancestry.
- 2) naturalization
- 3) birth.
- 4) both naturalization and birth.

4. 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 from his or her employment.

5. 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.

[10]

SECOND COMPULSORY ASSIGNMENT

1. Your unique number is: **676147**
2. This number **must** appear on your mark-reading sheet cover.

NOTE:

1. **DO NOT** hand in this assignment in the same assignment cover as the first assignment.
2. **DO NOT** staple the two assignments together.
3. Clearly indicate on the assignment cover of this assignment that it is **ASSIGNMENT 02**.

Question

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]**

ADDENDUM B: SECOND SEMESTER COMPULSORY ASSIGNMENTS

Due date for **BOTH** assignments: **24 August 2018.**
NO EXTENSIONS WILL BE GRANTED.

FIRST COMPULSORY ASSIGNMENT

1. Your unique number is: **871438**
2. This number **must** appear on your mark-reading sheet cover.

Instructions:

1. Please select the **correct answer**.
2. Complete the assignment on the mark-reading sheet enclosed.
3. **DO NOT** hand in this assignment in the same assignment cover as the second assignment.
4. **DO NOT** staple the two assignments together.
5. Clearly indicate on the assignment cover of this assignment that it is **ASSIGNMENT 01**.

Marking of the assignment

1. Each answer carries 2 marks.
2. No mark will be awarded for an incorrect answer.
3. No mark will be awarded for an unanswered question.
4. The assignment is not marked negatively: that is, marks will not be deducted for incorrect answers.

Please select the correct answer.

Questions

1. 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.

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) authoritarian rule and protection of human rights.
 - 4) the legislative, executive and local governments to have their own powers and functions.

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

- 4 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.

5. . 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]

SECOND COMPULSORY ASSIGNMENT

1. Your unique number is: **741893**
2. This number **must** appear on your mark-reading sheet cover.

NOTE:

1. **DO NOT** hand in this assignment in the same assignment cover as the first assignment.
2. **DO NOT** staple the two assignments together.
3. Clearly indicate on the assignment cover of this assignment that it is **ASSIGNMENT 02**.

Question

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]