



CPD1501

Date: **07 SEPTEMBER 2021**

Duration: **240 Minutes**

Please take note that The Invigilator App will request you take a picture of every page of your answer sheet at the end of the assessment.

Please take note that this does not replace your formal scan and upload to your Learning Management System (MyExams).

YOUR EXAM QR CODE & QR ACCESS CODE



QR Access Code: 0beb32aa

INSTRUCTIONS ON THE DAY OF ASSESSMENT:

- Please log into The Invigilator App. You need to be connected to the internet in order to log in and scan the QR code.
- Scan the QR code above once the examination formally commences. If you encounter difficulty with scanning of the QR code you can also enter the QR access code at the bottom of the QR code in order to start the assessment.
- Once the QR code is scanned, you can place your smartphone next to you. The Invigilator App will notify you when an action is required. Ensure your media volume is turned up.
- You may access your MyExams in the application if you only have one device by pressing the 'access LMS' button.
- Please remember to keep your smartphone on charge for the duration of the assessment.
- Keep The Invigilator app open on your cell phone during the assessment. You are not allowed to leave or minimise the application.
- When an action is required, a notification beep will be heard. Action the request.
- Please ensure you are connected to the internet in order to commence the examination as well as at the end of the examination. No internet connection is needed during the assessment.
- It is important to first upload your script to the MyExams. Uploading of app data is not time sensitive and you can do it after you have uploaded your script to the MyExams.
- It is important to note that you have to adhere to the time limit in your MyExams assessment as the invigilation time in the app could exceed the time allocated to complete your assessment.
- You can click the "Finish Assessment" button in the app if you finish early.
- Should you encounter any technical difficulty, please WhatsApp The Invigilator Helpdesk on 073 505 8273.

UNIVERSITY EXAMINATIONS



September–November 2021

CPD1501

Citizenship, Public Participation & Democracy

**100 Marks
Duration 4 Hours**

Examiners:

First: Mr RB Mokomane

Second: Prof I Shai

This paper consists of 6 pages.

**PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE
ANSWERING THE EXAMINATION QUESTIONS.**

1. The examination question paper counts **100 marks**.
2. It consists of four questions. Answer **ALL** the questions.
3. The duration of the examination is **4 hours**. Your answers must be submitted via myUnisa on **7 September 2021** on or before **14:15** (Central African Time).
4. This is a **closed book examination**. While the examination is in progress, you are not allowed to consult another person or any source in order to assist you to answer any of the questions contained in this question paper. While the examination is in progress, you may not assist another student in answering any of the questions contained in this question paper.
5. Your answer to this portfolio or take-home examination must be submitted online on the myExams platform.
 - 5.1 Access myExams at <https://myexams.ac.za/portal> and login using your student number and myUnisa password.
 - 5.2 Go to your specific examination site through the site tabs on the horizontal navigation bar. Also check your **Sites** link in the top right-hand corner if you do not find the site on the horizontal navigation bar.

- 5.3 Once the site has loaded, select the **eAssessment** tool from the left-navigation menu
- 5.4 The list of all available assessments in the site will be displayed.
- 5.5 Select the assessment for which you want to upload the examination answer file by **clicking on the title of the assessment** in the list. A new page will open.
- 5.6 Submit your examination answer file.

Submission

Attachments

No attachments yet

Select a file from computer **Choose File** No file chosen or select files from workspace or site

☐ Honor Pledge: I have neither given nor received aid on this assignment.
(You must respond to submit your assignment.)

Submit **Preview** **Save Draft** **Cancel**

Don't forget to save or submit!

Depending on the assessment criteria, you may be allowed to attach a file or perhaps multiple files.

Under **Attachments**, click the **Choose File** button to browse for a file on your device.

Submission

This assignment allows submissions by attaching documents only.

Attachments

Examination 1 Responses.docx (12 KB; 11-Feb-2016 13:09) [Remove](#)

Select more files from computer **Choose File** No file chosen or select more files from workspace or site

Honor Pledge: I have neither given nor received aid on this assignment. ☒
(You must respond to submit your assignment.)

Submit **Preview** **Save Draft** **Cancel** Don't forget to save or submit

Once you have attached your answer file, the name of the file, as well as the file size and upload time stamp will be displayed under **Attachments**.

Tip: You may click **Remove** to remove the attachment if you selected the wrong file.

Tip: Select the **honour pledge**. Students **MUST** check the honour pledge before submission if it appears on the screen. A student will not be able to submit the assessment if he/she did not check the honour pledge.

When you are ready and satisfied that you have correct answer file, click the **Submit** button to complete your assessment submission.

Tip: If you are not yet ready to submit, you may click **Preview** to preview the submission, or **Save Draft** to save your submission and submit it later. Click **Cancel** to exit the assessment without saving or submitting.

5.7 Submission confirmation

Submission Confirmation

☒ You have successfully submitted your work. You will receive an email confirmation containing this information.

User: [REDACTED]
Class site: ABT1511-15-S1
Assignment title: Examination 1
Submission ID: [REDACTED]
Submitted on: 11-Feb-2016 13:38
History: [REDACTED]

Your submission included the following:

Submitted Attachments

Examination 1 Responses.docx (12 KB; 11-Feb-2016 13:09)

[Back to list](#)

Once you have submitted your assessment, you will receive a confirmation message on the screen. **Make a screen copy for your records.** In addition, if you have opted to receive email notifications, you will also receive an email confirmation of your submission.

6. The cover page to your take-home exam must include your name, student number and the module code.
7. It is preferred that your take-home exam is typed, however, handwritten submissions will also be accepted. If the take-home exam is typed, the maximum length is 10 pages (which includes the cover page and the bibliography). If the take-home exam is handwritten, the maximum length is 15 pages (which includes the cover page and the bibliography).
8. Whether your answers are typed or handwritten, your submission on myUnisa must be made in the form of **one PDF** document.
9. If your answers are typed, ensure that the following requirements are adhered to. Items 9.3-9.6 applies to written assignments as well.
 - 9.1 The text must be typed in Arial font, size 12 with single line spacing within the paragraph, and double line spacing after the paragraph.
 - 9.2 The text must be justified.
 - 9.3 All of the pages must be numbered in the bottom right hand corner of the page.

- 9.4 All margins must be 2.5cm, but the left margin must be 3cm.
- 9.5 South African English and not American English should be used. For example, the correct spelling is “Labour” and not “Labor”.
- 9.6 Do not use abbreviations or SMS language.
- 9.7 All quotes that are two lines long (or less), must form part of the main text, be written in italics, and be bracketed by quotation marks. Where a quotation is longer than two lines, it must be typed in a separate paragraph in italics in size 11 font and must be indented by 1 cm. No quotation marks are required when the quotations stand alone. Use quotations very sparingly. In this take-home exam, a maximum of 5% of the text may be quoted.
10. The arguments that you make must be logical, well-structured and substantiated by all the relevant legal principles. You are given **4** hours (not 2 hours) to complete the take-home exam. Use the time given wisely.
- 10.1 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL the relevant authorities, e.g. sections from relevant legislation and/or court cases in the text or in your footnotes.
- 10.2 You are required to have read and summarised the prescribed cases yourself. The summaries in the Study Guide are not sufficient for this exam. When using case law to support your answer, please include complete references to the relevant cases in your footnotes. This means that you must not only include the name of the case but also the exact page and section and/or paragraph where the information can be found. The same applies to articles and books used. **PLEASE DO NOT CUT AND PASTE ANSWERS FROM THE STUDY GUIDE (OR ANY OTHER SOURCE).**
- 10.3 A number of students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is important to first clarify for yourself the area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Deal only with those principles that relate to the given facts. Next, apply these principles to the facts. This is where most of the students lose marks - they set out the law in some detail, but then do not illustrate how it applies to the factual situation they have been asked to solve. Finally, state your conclusion.
11. By ticking the Honour Pledge, you confirm that you have read (i) the University’s [Policy on Copyright Infringement and Plagiarism](#) and the [Student Disciplinary Code](#), which are both available on myUnisa: www.unisa.ac.za/unisarules, and (ii) the information relating to student values and plagiarism that is found at <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>.

Question 1

- 1.1 Briefly explain the legislative history of South African citizenship law. (10)
- 1.2 One of the methods of acquiring citizenship in South Africa is by descent. Explain how citizenship can be acquired in this way. (10)

[20]

Question 2

- 2.1 Thabiso is 18 years old. He was born in Senegal and is now residing in South Africa. He lost his South African citizenship in 2020 when he was 17 years old because his mother, Esther, ceased to be a South African citizen in 2015 when she voluntarily obtained citizenship of Senegal without requesting the retention of her South African citizenship. Thabiso comes to you for advice. He wants to know if it is possible for him to resume his South African citizenship. Advise him. (5)
- 2.2 Bongani 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)
- 2.3 Explain the instances justifying the cessation of refugee status. (10)
- 2.4 In terms of 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 130 of 1998? (3)
- 2.5 Discuss the following rights of citizens:
- (a) Citizens' right to diplomatic protection (5)
- (b) Political rights (5)

[30]

Question 3

- 3.1 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. (10)
- 3.2 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. (5)
- 3.3 There are three forms of democracy. One such form is representative democracy. Briefly explain what this form of democracy entails. (5)

[20]

Question 4

- 4.1 Section 1 of the 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) (3)
- (b) the rule of law (2)
- 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 are required to explain the distribution of state authority among the branches of government (Legislative, Executive and Judicial authority). (10)
- 4.3 Discuss whether you believe that judicial review is undemocratic or not. (5)
- 4.4 Public participation in the law-making process is crucial since it lies at the heart of our constitutional democracy. Give a brief explanation of the following terms:
- (a) Law (2)
- (b) a policy (2)
- 4.5 Discuss the process of a policy becoming law. (6)
- [30]**

TOTAL {100}