

Tutorial Letter 101/3/2021

**Citizenship, Public Participation and
Democracy**

CPD1501

Semesters 1 and 2

**Department of Public, Constitutional and
International Law**

This tutorial letter contains important information
about your module.

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Dear Student

As part of this tutorial letter, we wish to inform you that Unisa has implemented a transformation charter based on five pillars and eight dimensions. In response to this charter, we have also placed curriculum transformation high on the agenda. For your information, curriculum transformation includes the following pillars: student-centred scholarship, the pedagogical renewal of teaching and assessment practices, the scholarship of teaching and learning, and the infusion of African epistemologies and philosophies. These pillars and their principles will be integrated at both the programme and module levels, as a phased-in approach. You will notice the implementation thereof in your modules, and we encourage you to fully embrace these changes during your studies at Unisa.

1 INTRODUCTION TO THE MODULE

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

At the start of each unit are outcomes which tell you what you should 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 enable you to:

- discuss legislative history of citizenship law in South Africa and apply the methods of acquiring citizenship.
- describe and apply the rules of losing citizenship, the effect of losing citizenship and 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 enable 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)

Name	Prof S Viljoen	Mr R Mokomane
Telephone	012 429 2042	012 429 2394
E-mail	maasss@unisa.ac.za	emokomr@unisa.ac.za
Post	Dept Pubic, Constitutional and International Law PO Box 392 UNISA 0003	Dept Pubic, Constitutional and International Law PO Box 392 UNISA 0003
Office	Cas Van Vuuren Building Room 7-42 (Unisa Main Campus, Muckleneuk Ridge)	Cas Van Vuuren Building Room 7-16 (Unisa Main Campus, Muckleneuk Ridge)

We CANNOT assist you with queries pertaining to:

- examination dates
- applications for re-marks or aegrotat examinations
- enquiries as to 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 make an appointment to discuss any queries about or problems with the module. **Please note that an appointment must be made beforehand**, otherwise you run the risk of the lecturer not being available to see you.

3.2 Department

The departmental secretary can be reached by telephone at 012 429 8339. 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 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 available). Please remember to refer to your student number when you contact Unisa.

4 RESOURCES

4.1 Prescribed book(s)

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 book(s)

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

The Unisa Library offers a range of information services and resources:

- for brief information go to: <https://www.unisa.ac.za/library/libatglance>
- for more detailed Library information, go to <http://www.unisa.ac.za/sites/corporate/default/Library>

- ✓ for research support and services (e.g. Personal Librarians and literature search services), go to <http://www.unisa.ac.za/sites/corporate/default/Library/Library-services/Research-support>

The Library has created numerous Library guides: <http://libguides.unisa.ac.za>

Recommended guides:

- ✓ request and find library material/download recommended material:
<http://libguides.unisa.ac.za/request/request>
- ✓ postgraduate information services:
<http://libguides.unisa.ac.za/request/postgrad>
- ✓ [finding and using library resources and tools:](http://libguides.unisa.ac.za/Research_skills)
http://libguides.unisa.ac.za/Research_skills
- ✓ Frequently asked questions about the Library: <http://libguides.unisa.ac.za/ask>
- ✓ Services to students living with disabilities:
<http://libguides.unisa.ac.za/disability>

Important contact information:

- ✓ <https://libguides.unisa.ac.za/ask> - Ask a Librarian
- ✓ Lib-help@unisa.ac.za - technical problems accessing library online services
- ✓ Library-enquiries@unisa.ac.za - general library related queries
- ✓ Library-fines@unisa.ac.za - for queries related to library fines and payments

5 STUDENT SUPPORT SERVICES

The *Study @ Unisa* website is available on myUnisa: www.unisa.ac.za/brochures/studies

This website has all the tips and information you need to succeed at Unisa.

6 STUDY PLAN

Studying at a university, particularly a distance education university, differs markedly from the studying you did at school. As a law student, you are required to master a large volume of study material in a short period of time. You are also expected to develop certain skills to enable you to take your place in the legal profession. These objectives can only be achieved through self-discipline and dedication.

We are aware that studying via a distance education institution such as Unisa requires a higher degree of commitment and self-management than studying at an on-campus institution such as Tuks. This may be attributed to the lack of one-on-one contact between you and the lecturer, due to the fact that you do not have to attend classes, and due to the lack of peer support. In an attempt to overcome these obstacles, we have decided to offer a few study techniques, which we hope will help you in your studies as a law student.

Always bear in mind that the skills and knowledge that you should acquire in this module are not applicable to Citizenship, Democracy and Public Participation only. The ability to do the following is indispensable to all fields of law:

- to research, analyse and critically evaluate legal materials (the 1996 Constitution, legislation, case law, academic opinion, etc)
- to formulate a logical and coherent legal argument
- to apply the theoretical knowledge that you have acquired to a practical or concrete problem

Time management

We are aware that each student has his or her own way of studying. We are also aware that many factors may influence the study method that a student adopts, for example individual personalities, employment circumstances, family responsibilities, the field of study chosen by the student, and the number of modules the student is attempting in a semester.

Given all these factors, we firmly believe that time management is an essential ingredient for success. You must pace yourself properly, otherwise you will find it difficult to cover all the material

prescribed for this module. As you work through the study material, you will find that some aspects of Citizenship, Public participation and Democracy are easier to understand than others, and will generally take less time to grasp than others. The trick is to manage your time in such a way that you avoid spending too much time on the easier parts and, instead, concentrate on the difficult concepts and principles. One method of ensuring that you do not end up in the position of trying to get through the bulk of your studies just before the exam is to divide up the study material according to your particular needs.

Improving your language skills

Some of our students are experienced and academically mature. However, many students do not yet have the necessary linguistic experience, skills and expertise. Therefore, the information provided here is for their benefit. Note that language is very much the lawyer's tool. Therefore, highly developed language skills are indispensable. Because English is the language in which this module is presented, and the language in which most of our sources are written, language skills in this module mean English language skills!

Students therefore need to practise both their reading and writing skills. You can improve your reading skills by practising the following:

You must understand what you read! This may mean practising any one, or all, of the following things:

- reading a particular text more than once
- completing your glossary of commonly used terms as explained in the activity
- making concept maps or mind maps or summaries of individual study units to reduce the content of a study unit to a page or two; this will make studying and revision for the exams much easier
- personalising the content as often as possible; this means that you must relate the knowledge that you obtain from the prescribed material to your everyday life (remember: the knowledge you are grappling with is a tool that can make your own life and the lives of the people around you more meaningful).

Use a good dictionary, including legal dictionaries.

As noted, language is an essential tool of the legal profession. It is important in the study of any area of the law. You must bear in mind that a word can have a variety of meanings, depending on the context in which it is used

Throughout the Study Guide, you will encounter a number of complex and unfamiliar concepts. Most of these concepts are defined in detail. However, some concepts may not be defined – but there is no need to panic! As a law student, you are required to develop certain basic skills which will help you in the practical legal world. Learning how to find the meaning of difficult words is one of these basic skills.

You could acquire or simply consult any one of the following sources in order to find the meaning of words:

- Collins cobuild English dictionary and grammar (1995)
- The concise Oxford dictionary
- Van der Walt & Nienaber (1998), English for law students, published by Juta
- HAT (Verklarende handwoordeboek van die Afrikaanse taal)

Some of these sources are extremely useful because they contain considerably more than simply the meaning of words: they also contain additional information on how a word may be used in different contexts.

Practise careful reading

This may require that you read the prescribed material more than once to make sure you understand the essence of the study material.

You can improve your writing skills by paying attention to the following guidelines:

- Make sure that your grammatical construction and usage are correct.
- Make sure that you spell words correctly. Once again, a good dictionary is indispensable!
- Make sure that you use the correct words.
- Make sure that your thoughts and ideas are presented in a logical and coherent argument

7 PRACTICAL WORK

There are no practical exercises 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.	- 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.	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.	- 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.	- 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.	- 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

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 (non-venue based), 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 write 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 690708 This number **must** appear on your mark-reading sheet cover

The Unique number for the Second Compulsory assignment is 713515. This number must appear on your assignment cover.

Second semester compulsory assignments

The Unique number for the First Compulsory assignment is 864191. The number must appear on your mark-reading sheet cover.

The Unique number for the Second Compulsory assignment is 519686. This number must appear on your assignment cover.

8.4 Assignment due dates

Semester 1: The due date for the submission of **BOTH** the compulsory assignments is **22 MARCH 2021. NO EXTENSIONS WILL BE GRANTED.**

Semester 2: The due date for the submission of **BOTH** the compulsory assignments is **30 AUGUST 2021. NO EXTENSIONS WILL BE GRANTED.**

8.5 Submission of assignments

Assignments should be addressed to Registrar

PO Box 392

UNISA

0003

You may submit written assignments and assignments done on mark-reading sheets 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 Study@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 assignments for the **FIRST SEMESTER. Addendum B** contains the compulsory assignments 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 mail.

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.

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.

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 (non-venue based) will be held in May/June 2021 and October/November 2021. This means that the supplementary examination for the May/June 2021 exam will take place October/November 2021 and the supplementary exam for October/November 2021 will take place in May/June 2022.

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

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

12 ADDENDUM

ADDENDUM A: FIRST SEMESTER COMPULSORY ASSIGNMENTS Due date for BOTH assignments: 22 MARCH 2021

NO EXTENSIONS WILL BE GRANTED

FIRST COMPULSORY ASSIGNMENT

1. Your unique number is: 690708
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 methods of losing South African citizenship in terms of the Citizenship Act 88 of 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.

2. Constitutionalism entails that ... (2)
 - 1) the Constitution is subject to Parliament.
 - 2) government derives its powers from the Constitution.
 - 3) the Constitutional Court can place limitations on the power of government.
 - 4) the government is not limited in terms of the provisions of the Constitution.

3. When applying for a certificate of naturalisation, the Citizenship Act 88 of 1995 requires that a minor be assisted by... (2)
 - 1) a designated authority from the state.
 - 2) a major.
 - 3) a court.
 - 4) his or her school.

4. The Citizenship Act 88 of 1995 regulates... (2)
 - 1) the acquisition, loss and restoration of citizenship in South Africa.
 - 2) the rights of all citizens in South Africa.
 - 3) the rights of foreigners in South Africa.
 - 4) the duties of all citizens in South Africa.

5. There are three methods by means of which citizenship may be acquired. Which one of the following is NOT one of those means? (2)

- 1) acquiring citizenship by birth
- 2) acquiring citizenship by descent
- 3) acquiring citizenship by naturalisation
- 4) acquiring citizenship by negotiation

[10]

SECOND COMPULSORY ASSIGNMENT

1. Your unique number is: 713515
2. This number must appear on your assignment 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**.

Questions

Discuss the system of proportional representation and what it means for the South African electoral system. (5)

Explain, in your own words, what you think public participation in a democracy means. In your answer, you should mention representative and participatory democracy. (5)

[10]

ADDENDUM B: SECOND SEMESTER COMPULSORY ASSIGNMENTS Due date for BOTH assignments: 30 AUGUST 2021

NO EXTENSIONS WILL BE GRANTED

FIRST COMPULSORY ASSIGNMENT

1. Your unique number is: 864191
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. A person whose refugee status is withdrawn may lodge an appeal within a period of ...(2)
 - 1) 90 days from the date of the receipt of the decision.
 - 2) 30 days from the date of the decision being made.
 - 3) 60 days from the date of the decision being made.
 - 4) 30 days from the date of the receipt of the decision.

2. Direct democracy means that ... (2)
 - 1) all major political decisions are taken by the people themselves.
 - 2) all citizens have the right to vote.
 - 3) all major political decisions are taken by government.
 - 4) institutions representing the people should participate in politics.

3. A number of features are widely regarded as indispensable to democratic government. Which one of the following is **NOT** one of these features? (2)
 - 1) A multiparty system
 - 2) The protection of majorities
 - 3) Free and regular elections
 - 4) Mechanisms to ensure the accountability of government to the electorate

4. In the court held that the international law right to political participation encompasses a general right to participate in the conduct of public affairs and a more specific right to vote and/or be elected into public office. (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) *Doctors for life International v Speaker of the National Assembly and Others* 2006 (6) SA 416 (CC)
5. Lobbying means persuading people who make laws, such a Parliament. There are a number of ways in which one can lobby. Which one of the following is **NOT** recognised as one of the ways in which one can lobby? (2)
 - 1) Speaking to the media
 - 2) Lodging complaints in court
 - 3) Holding news conferences
 - 4) Writing formal letters in which you state your view

SECOND COMPULSORY ASSIGNMENT

1. Your unique number is: 519686
2. This number must appear on your assignment 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 and Mrs Ndlovu are unemployed Mozambican citizens who have acquired permanent residence status in South Africa. They fled Mozambique 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 the KwaZulu-Natal province. In January 2012, through the assistance of 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 their applications' refusal for old-age grants is constitutional. **[10]**