

Course Code: L103 (S) 2008

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW**

SUPPLEMENTARY EXAMINATION PAPER, JULY 2008

TITLE OF PAPER : CONSTITUTIONAL LAW

COURSE CODE : L 103

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- (1) ANSWER FOUR (4) QUESTIONS.**
- (2) ALL QUESTIONS CARRY EQUAL MARKS.**

**DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE
INVIGILATOR**

SECTION A

QUESTION 1

Compare and contrast the Westminster and Republican models of constitutionalism. Which of the two models of constitutionalism is suitable for Swaziland?

[25 MARKS]

QUESTION 2

You have been approached by the Constitutional Review Commission in the state of Graceland to make a submission in respect of the distribution of the powers of government in the new constitution of the state of Graceland. In your submission state your reasons for preferring either a separation of powers/a fusion of powers in one or a few hands.

[25 MARKS]

QUESTION 3

In the Constitution of Swaziland, the doctrine of Separation of powers is a muddled affair. Discuss the validity or invalidity of the statement.

[25 MARKS]

QUESTION 4

In a debate in the House of Assembly on the control of weed in Lake Nyala, Abnormal Harris refers to Rudolf Miasma, the Director of the Lake Nyala Weed Control Board as “possibly the most noxious weed in the whole god forsaken lake”. He accuses Miasma of being corrupt and of taking bribes from the weed interests. The debate is being broadcast and journalists from the print media also report on same.

At this juncture, Cecil Footsy rises to his feet and points out that Miasma had been tried on similar charges two years previously and was acquitted. The Minister of Wax, Ralph Mildew, then explains that he never thought much of that court anyway. He thought that there were some weedy interests in that bench as well.

You have been retained by Miasma who wants to know, who, if anyone he can sue. Advise Miasma. Can anything be done to control members of Parliament in their debate and canvassing of issues within the House?

[25 MARKS]

QUESTION 2

Swaziland is a ‘democratic state’ with an elaborate, all-embracing and accommodative Bill of Rights that compares favourably with constitutions of most progressive and democratic states. Critically evaluate the validity of this statement.

[25 MARKS]