

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

FINAL EXAMINATION, MAY 2013

TITLE OF PAPER: CONSTITUTIONAL LAW

COURSE CODE: L103

TIME ALLOWED: THREE HOURS

INSTRUCTIONS: 1) ANSWER FOUR (4) QUESTIONS

2) ALL QUESTIONS CARRY EQUAL MARKS

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GRANTED BY THE INVIGILATOR.**

QUESTION 1.

The doctrine of Parliamentary sovereignty is an antithesis of constitutionalism and a democratic state. Do you agree? Critically evaluate the validity of this statement, citing relevant authorities where appropriate.

(25 Marks)

QUESTION 2.

The law pertaining to the conduct of parliamentary elections in Swaziland is a sham as it is meant to give the false impression to the unsuspecting international community that Swaziland has a vibrant democracy under the Tinkhundla system of government. Critically assess the validity of this statement, citing relevant authorities.

(25 Marks)

QUESTION 3.

At independence Swaziland was bequeathed with a Westminster export model of constitutionalism which was abrogated in 1973 only to be "reborn" in 2005 through the Constitution Act, 2005. Critically evaluate the validity of this statement making reference to authorities.

(25 Marks)

QUESTION 4.

At the official opening of the Second Session of the Ninth Parliament on the 12 February, 2010m the question of the "separation of powers" was raised during the speech by the President of Senate. The President of the Senate stated that Parliament is not an arm of government because it does not report nor account to the Head of government. The Head of government subsequently issued a statement in which he stated that Parliament is an arm of government and that "outside the chambers of Parliament, the Prime

Minister is answerable for the affairs of Parliament.” As an expert in constitutional law you are called upon to give an opinion on the correct position regarding the concept of separation of powers as applicable in the Kingdom of Swaziland. Your opinion should make reference to authorities.

(25 Marks)

QUESTION 5.

Constitutionalism is synonymous with the concept of the Rule of law save for the fact that the latter is an older concept than the former. Discuss the similarities and dissimilarities of both concepts making specific reference to the points where the two concepts converge.

(25 Marks)