

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION, DECEMBER 2015**

**TITLE OF PAPER:           CONSTITUTIONAL LAW**

**COURSE CODE:           LAW103**

**TIME ALLOWED:         THREE (3) HOURS**

**INSTRUCTIONS:**

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

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

### **QUESTION 1**

"Parliamentary sovereignty is a model of constitutionalism that is not reconcilable with democratic principles". Do you agree? Critically evaluate the validity of this statement. Support your answer with reference to authorities.

[25 MARKS]

### **QUESTION 2**

"The doctrine of separation of powers is not applicable in all countries in the same manner". Critically analyze the validity of this statement. Which type of separation of powers is in line with the Republican system of constitutionalism? Give reasons for your answer.

[25 MARKS]

### **QUESTION 3**

"The protection of human rights in a supreme constitution is the most preferable in a democratic state." Do you agree? Discuss how else human rights protection in a country that does not have a constitution is ensured?

[25 MARKS]

#### QUESTION 4

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, make specific reference to the points where the concepts converge.

[25 MARKS]

#### QUESTION 5

In the year 2010 the State of Graceland gained independence from Great Britain. Like all newly independent States, the people of Graceland wanted to have a written constitution reflective of their history, and their aspirations as a nation. After thorough consultation, the people of Graceland were still not agreed about the nature and system of government they wanted for the new State. Constitutional law experts were consulted and they gave very conflicting responses. When the Committee entrusted with the work of drafting the Constitution was at the end of its tether, they approached you, an expert of Constitutional law. They sought your advice on the nature of constitutions and the pros and cons of same and the systems of governments that would be most suitable for a State that wanted to uphold democratic ideals and the well- respected principle of constitutionalism. Advise the State of Graceland. In your brief, state what model of constitutionalism would be suitable for this new State. Give reasons for your answer.

[25 MARKS]