



**PROGRAM** : LLB  
**MODULE** : JURISPRUDENCE  
**CODE** : ARL0011/JUR41A0  
**DATE** : Examination  
**DURATION** : 2 hours  
**TOTAL MARKS** : 60

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**EXAMINER** : Dr MJ van Staden  
**MODERATOR** : Mr J Storm  
(UNISA)  
**NUMBER OF PAGES** : 5 (including this one)

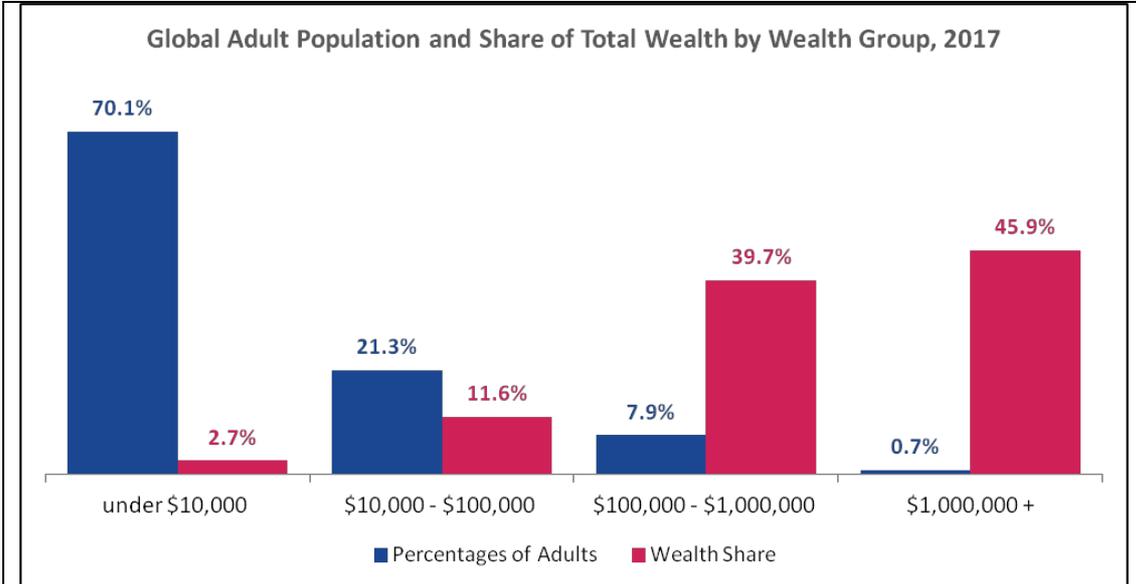
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**INSTRUCTIONS:**

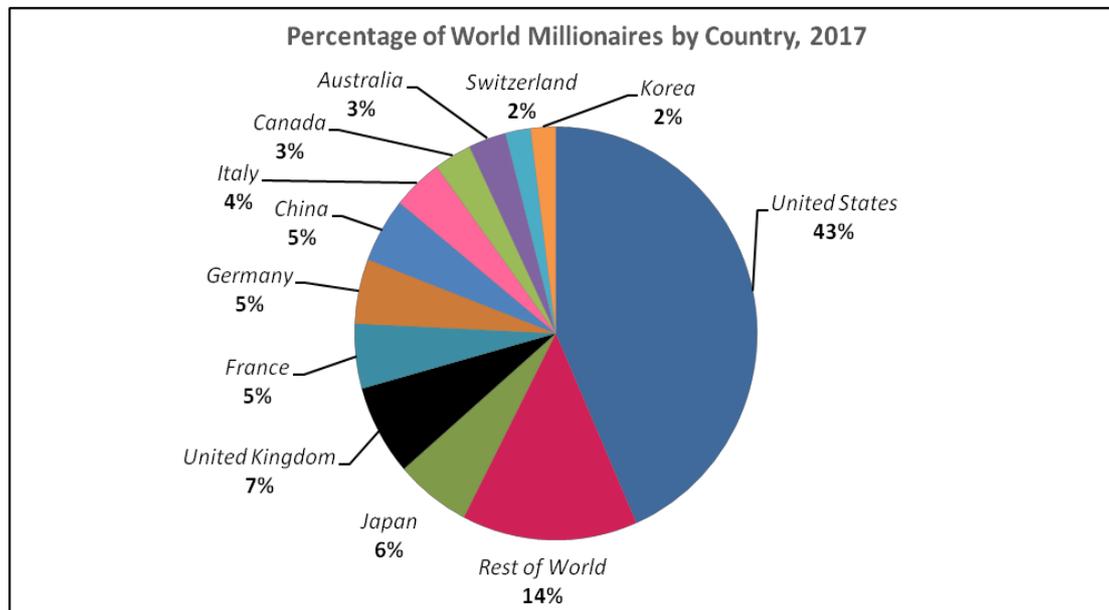
1. Write legibly.
2. Answer in the answer sheet provided.
3. All examination rules of the University of Johannesburg are applicable.
4. Your answers should express a clear point of view in relation to each question.

## QUESTION 1

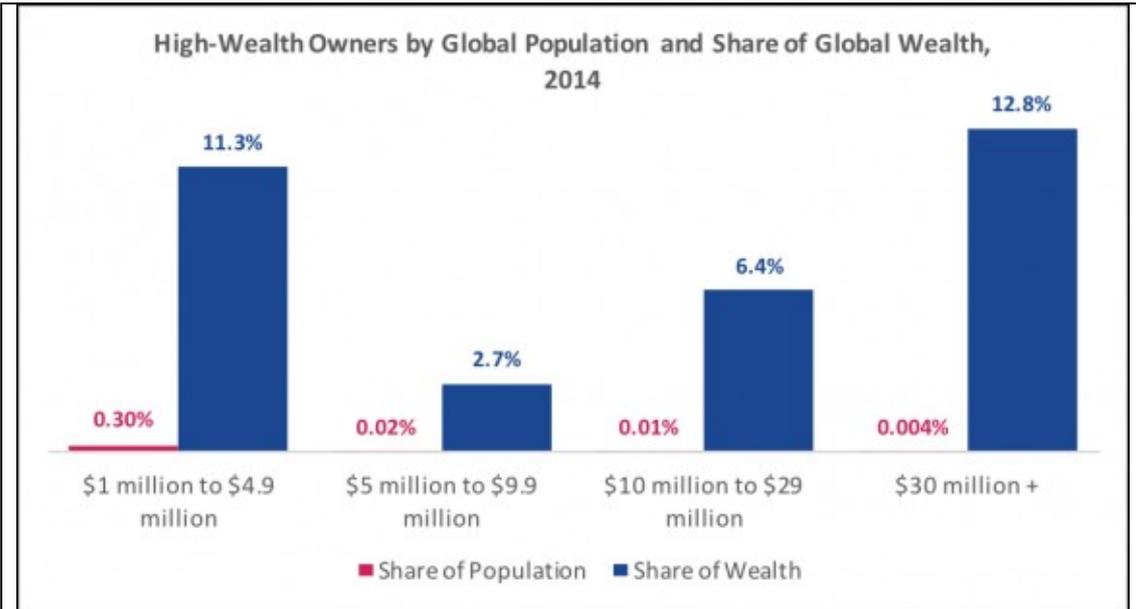
Consider the following statistics concerning Global inequality as published on <https://inequality.org/facts/global-inequality/> and answer the following question.



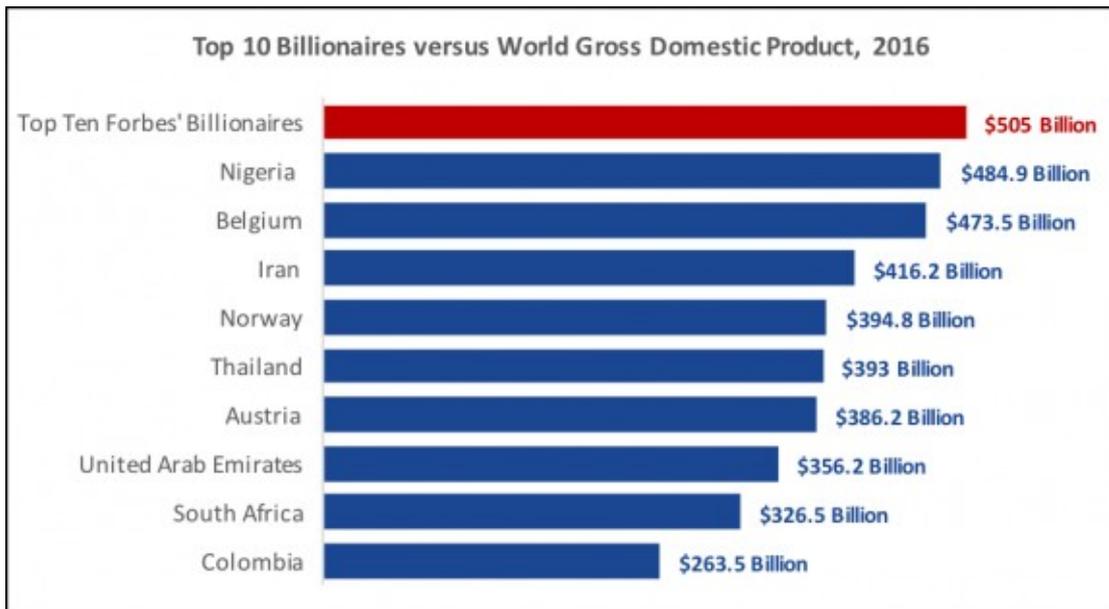
More than 70 percent of the world's adults own under \$10,000 in wealth. This 70.1 percent of the world holds only 3 percent of global wealth. The world's wealthiest individuals, those owning over \$100,000 in assets, total only 8.6 percent of the global population but own 85.6 percent of global wealth.



Western and European countries host the lion's share of the world's millionaires. More than 70 percent of the world's millionaires reside in Europe or North America, with 43 percent of these millionaires calling the United State home. The only non-Western nations with a significant share of millionaires: the industrial powerhouses Japan, China, and Korea.



“Ultra high net worth individuals” — the wealth management industry’s term of art for deep pockets worth more than \$30 million — hold an astoundingly disproportionate share of global wealth. These wealth owners own 12.8 percent of total global wealth, yet represent only a tiny fraction of the world population.



The world’s 10 richest billionaires, according to Forbes, own \$505 billion in combined wealth, a sum greater than the total goods and services most nations produce on an annual basis.

Write an essay in which you critically consider the global distribution of wealth and if the current state of global inequality could be described as just or not. In your answer you have to consider the following theorists’ positions but you need not do so in order:

- John Stuart Mill;
- John Rawls;

- Oritsegbubemi Anthony Oyowe;
- Robert Nozick;
- Peter Singer; and
- Kwame Gyekye.

(40)

## QUESTION 2

Consider the following article that originally appeared in the *Sunday Times* and answer the following question.

### **Mashaba, DA using xenophobia 'like Trump' says rights group**

01 September 2017 - 15:27 BY JULIA CHASKALSON

Mayor Herman Mashaba's attitude is 'very scary'.

Throughout Mashaba's term in office, he has been accused of fuelling xenophobia by making unconstitutional statements about foreign people living in the city.

The Africa Diaspora Forum (ADF) says these statements are "reckless" and "fire kindling". In a statement released earlier this month, the ADF said that it worried these remarks "may incite more xenophobic violence".

Mashaba has been quoted widely saying that "foreigners, whether legal or illegal, are not the responsibility of the city" and that "[the city of Johannesburg] will only provide accommodation exclusively to South Africans".

Mashaba plans to clean up the city centre to invigorate economic growth. To do so, Mashaba aims to "expropriate" run-down buildings in the city centre to sell them to private investors, evicting residents "by force" if necessary.

Attempts to contact Mashaba about whether the investors will be commercial or residential developers were unsuccessful.

Mashaba has also been quoted calling on foreign aid organisations like the United Nations to step in and "assist" with what he calls a "crisis" of foreign people living in the city. "He must be precise about what he wants to do with migrants," ADF chairperson Marc Gbaffou said. He regards Mashaba's attitude as "very scary".

ADF spokesperson Johnson Emeka said: "We have been vilified unfairly by [Mashaba]. Mashaba's tactics and style is embedded in DA strategy to spur embers of hate against foreign migrants."

Gbaffou echoed this sentiment. "[Mashaba] keeps repeating himself and making xenophobic comments and nothing is happening to him. We think this is the DA's strategy, like [President Donald] Trump did in the US, using a populist strategy to get to power."

In Mashaba's 10 point plan for Johannesburg's economic growth in September last year, he was quoted as saying he intends to "make Jo'burg great again" by making the city "business friendly".

In a statement released last week, Mashaba said his administration was "committed to ensuring [they] stop the rot" of undocumented migrants living in the city. The next day on Twitter he said that by conducting raids on inner city buildings, he is "reclaiming the city from criminals".

Gbaffou criticised these allegations. “The houses were abandoned by the city,” he said. “People are struggling to come from Soweto to town to run a small business, and they’re not necessarily migrants. There are also South African citizens who are living in these abandoned houses. So the mayor twisted it by saying its hijacked houses.”

Mashaba claims that 80% of people living in “hijacked” buildings are undocumented immigrants.

The Socio Economic Rights Institute (Seri) has questioned these figures, claiming that far more South African citizens are living in abandoned buildings in the inner city than people from other countries. Seri has called plans to forcibly evict people from these buildings “unconstitutional” and “inhumane”.

The ADF opened a case with the South African Human Rights Commission (HRC) in February this year.

“We told them that these types of statements might lead to violence and they’re investigating those claims,” Gbaffou said. “We saw some attitudes from South African citizens even to the word ‘migrant’ which are very scary. We fear for the lives of migrants and our members.”

GroundUp has been unable to get hold of the HRC to find out the status of this investigation.

Gbaffou, an Ivorian who has been living in Johannesburg for more than 20 years, is “very concerned” by Mashaba’s plans to evict foreigners from the city. “[I have seen] in previous years that whenever an authority of that calibre makes a comment like this, then you have some attacks on migrants,” he said. “In 2015 we saw it when King Goodwill Zwelithini made the comment in KwaZulu-Natal. Migrants were attacked. Many people were killed and injured.” In February this year, Groundup reported on a march against migrants hosted by the Mamelodi Concerned Residents group. Many claimed that xenophobic comments by Mashaba spurred on the protestors.

“Everyone wants to take out their anger on migrants,” Gbaffou said. “We have tried to speak to [Mashaba] but he doesn’t want to engage about it.”

By pushing migrants out of the city, Johannesburg’s character will change, Gbaffou said. “In a cosmopolitan city like Johannesburg, you cannot say ‘let us expel all migrants’. You go to big cities around the world and they’re made of all different types of people, coming from everywhere, to make a vibrant city. Johannesburg is a cosmopolitan city.”

Develop an advisory essay for the City of Johannesburg in which you critically consider if rights should also protect **foreigners**. In your answer you have to critically consider the following theorists’ positions but you need not do so in order:

- Emanuel Kant;
- Peter Singer;
- Amartya Sen;
- Maaritha Nussbaum;
- DT Chibvongodze; and
- Mogobe Bernard Ramose.

(20)

**Total: 60**