

ADL2601 MAY/JUNE 2017 Memorandum

Ms Naidoo is a citizen of a war-torn country in Africa. She fled her country of birth and entered South Africa after a long journey. Ms Naidoo applies for asylum at the Department of Home Affairs in terms of section 21(1) of the Refugees Act 130 of 1998. Her application for asylum is rejected by the authorised refugee status determination officer without any input by Ms Naidoo. No reasons for the rejection were given, but it later transpired that the rejection was based on the informal notes of the refugee reception officer, working in the refugee reception office, responsible for issuing her with the asylum seeker permit. From these notes the impression might be gained that the decision had been influenced by certain irrelevant factors suggesting bias on the part of the administrator. The Refugees Act makes provision for review by the Standing Committee and appeal to the Appeal Board of a decision by a refugee status determination officer.

Answer the following questions and substantiate your answers:

Question 1

- 1.1 Briefly explain what an administrative-law relationship is. Do you think Ms Naidoo is a subject of an administrative-law relationship? (6)

An administrative-law relationship exists between two parties in an **unequal relationship/vertical**✓. One of the subjects is a person or body clothed in **state authority/organ of state**✓ who is **able to exercise that authority**✓ over a person or body in a **subordinate position**✓ whose **rights are affected** by the **action**✓. Ms Naidoo is a subject of an administrative-law relationship as her rights are affected by the exercise of state authority by the Department of Home Affairs✓. Ms Naidoo is also in a subordinate position.✓

If a student indicates that this is an **individual administrative-law relationship** where **rules apply personally and specifically** between the parties and the relationship is created by **individual administrative decisions**✓ an extra mark may be awarded.

- 1.2 Identify the administrative action in the set of facts. In your answer you should give a full definition of the concept "administrative action" as provided in the Promotion of Administrative Justice Act (PAJA) 3 of 2000. (13)

Section 1 of PAJA✓ defines "administrative action" as any **decision taken**, or any **failure to take a decision**,✓ by -

- (a) **an organ of state**,✓ when-
 - (i) **exercising a power in terms of the Constitution** or a provincial constitution;✓ or

Paper 43 May June 2012 Memo

P.G. Tucker



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The Integration and Protection of Immigrants Paul Van Aerschot, Patricia Daenzer, 2016-02-24 In Scandinavian countries immigration is a sensitive issue and legislators approach to the questions it has raised has varied over the years. Whatever immigrant and integration policies are adopted in a democratic society it is clear that the legislation and the authorities have to ensure that the individual rights of the immigrants residing in its territory are respected. With Canada as a point of reference this book draws attention to weaknesses in the regulation and implementation of integration provisions threatening the immigrants individual rights in the EU member states of Denmark, Finland and Sweden. The study challenges readers to critically review the meaning of rights and the notion of global caring. It takes a critical look at how vulnerable immigrants fare in a largely immigrant nation with a welfare capitalism legacy when compared to three European nations which claim to embrace institutional welfare models. This book will be of great interest to scholars and decision makers interested in Scandinavian or Canadian immigration and integration policies. Neither Confirm nor Deny M. Todd Bennett, 2023-01-03 Winner 2024 Book Award Society for History in the Federal Government. In 1974 the Glomar Explorer, ostensibly an advanced deep sea mining vessel owned by reclusive billionaire Howard Hughes, lowered a claw-like contraption to the floor of the Pacific Ocean. This high-tech venture was only a cover story for an even more improbable scheme: a CIA mission to retrieve a sunken Soviet submarine. Like a Jules Verne novel with an Ian Fleming twist, the saga of the Glomar Explorer features underwater espionage, impossible gadgetry, and high-stakes international drama. It also marks a key moment in the history of transparency and not just for what became known as the Glomar response. We can neither confirm nor deny. M. Todd Bennett plumbs the depths of government secrecy in this new account of the Glomar mission and its consequences. Trawling through recently declassified documents, he explores the logistics, media fallout, and geopolitical significance of one of the most ambitious operations in intelligence history. Glomar, Bennett argues, played a pivotal but underappreciated role in helping the CIA ward off oversight amid a push for transparency and accountability. He reframes the operation's history to offer an alternative perspective on the 1970s, a decade known for expansive openness as well as the persistent tension between the demands of democracy and the need for secrecy in foreign policy. Combining keen historical analysis and gripping storytelling, Neither Confirm nor Deny brings to the surface fresh insights into the history of the security state, the politics of intelligence, and the CIA's relationship with the media and the public. **Fallout** John Solomon, Seamus Bruner, 2020-07-14 This book is a MUST BUY. President Donald J. Trump. The Russia and Ukraine scandals are unraveled; corruption and greed exposed. No one is better at uncovering the truth than these two investigative journalists. Gregg Jarrett, FOX News legal analyst and author of the 1 NYT bestsellers *The Russia Hoax* and *Witch Hunt*. An exhaustively researched book that reads like an investigative thriller. *Fallout* reveals how Obama's Russian Reset led to corruption scandal and a desperate bid to impeach Donald Trump. In 2015 a major story broke exposing Hillary Clinton's role in approving the

sale of American uranium assets to the Russian state nuclear agency Rosatom Not only did the sale of Uranium One put 20 percent of America's domestic uranium supply under the control of Vladimir Putin there was also evidence that the Clintons themselves had hugely profited from the deal When presidential candidate Donald Trump made Uranium One the centerpiece of his Crooked Hillary attacks the Clinton team feared its potential to damage Hillary's campaign Others in the Obama Biden camp worried that if elected Trump would expose their role in selling out America's security to Putin Their desperate need to neutralize the issue led them to launch an unprecedented investigation into the Trump campaign's purported ties to Russia The infamous Steele dossier produced by Clinton connected Fusion GPS sparked an investigation under FBI Director James Comey Instead of ending after the election the investigation grew bigger eventually leading to Comey's firing and the appointment of Special Counsel Robert Mueller When Mueller failed to find grounds for impeachment Democrats seized on an ambiguous phone call with the Ukrainian president as a pretext to remove Trump from office This gambit blew up in their faces when it exposed the secrets that Democrats tried hard to keep buried An indispensable guide to the hidden background of recent events Fallout shows how Putin's bid for nuclear dominance produced a series of political scandals that ultimately posed one of the greatest threats to our democracy in modern American history

Mobile Broadband Communications for Public Safety Ramon Ferrús, Oriol Sallent, 2015-08-07 This book provides a timely and comprehensive overview of the introduction of LTE technology for PPDR communications It describes the operational scenarios and emerging multimedia and data centric applications in demand and discusses the main techno economic drivers that are believed to be pivotal for an efficient and cost effective delivery of mobile broadband PPDR communications The capabilities and features of the LTE standard for improved support of mission critical communications e.g proximity services group communications are covered in detail Also different network implementation options to deliver mobile broadband PPDR communications services over dedicated or commercial LTE based networks are discussed including the applicability of the Mobile Virtual Network Operator MVNO model and other hybrid models Radio spectrum matters are also discussed in depth outlining spectrum needs and providing an outlook into allocated and candidate spectrum bands for PPDR communications and suitable dynamic spectrum sharing solutions in PPDR communications Explanations are accompanied by a vast collection of references that allow the more intrigued reader to gain further insight into the addressed topics

Internet Studies Panayiota Tsatsou, 2016-05-23 This book considers the lessons learnt so far from the emergence of the Internet and the development of the field of Internet studies whilst also considering possible directions for the future Examining broad media theories and emerging theorisations around the Internet specifically it explores the possibility of the development of an Internet theory in the future A comprehensive overview of the field Internet Studies considers key issues of social importance that the study of the Internet draws upon such as the role of the Internet in civic participation and democratisation the development of virtual communities digital divides and social inequality as well as Internet governance and policy control At the same time it

examines the role of the Internet in social research and the development of highly interdisciplinary and rapidly developing Internet research Hence this volume maps key areas of certainty and uncertainty in the field of Internet studies and as such it will be of interest to scholars and students of media and communication sociology and social research methods

Spatializing Practices of Regional Organizations during Conflict Intervention Jens Herpolsheimer, 2021-02-28 This book studies relevant actors and practices of conflict intervention by African regional organizations and their intimate connection to space making addressing a major gap regarding what actually happens within and around these organizations Based on extensive empirical research it argues that those intervention practices are essentially spatializing practices based on particular spatial imaginations contributing to the continuous construction and formatting of regional spaces as well as to ordering relations between different regional spaces Analyzing the field of developing practices of conflict intervention by the Economic Community of West African States ECOWAS and the African Union AU the book contributes a new theory oriented analytical approach to study African regional organizations ROs and the complex dynamics of African peace and security based on insights from Critical Geography As such it helps to close an empirical gap with regard to the internal modes of operation of African ROs as well as the lack of their theorization It demonstrates that contrary to most accounts intervention practices of African ROs have been diverse and complexly interrelated involving different actors within and around these organizations and are essentially tied to the space making This book will be of key interest to students and scholars of African Politics Governance Peace and Security Studies International or Regional Organizations and more broadly to Comparative Regionalism International Relations and International Studies *Security by Design* Anthony J.

Masys, 2018-07-30 This edited book captures salient global security challenges and presents design solutions in dealing with wicked problems Through case studies and applied research this book reveals the many perspectives tools and approaches to support security design Security design thereby can support risk and threat analysis risk communication problem framing and development of interventions strategies From the refugee crisis to economic slowdowns in emerging markets from ever rising numbers of terrorist and cyberattacks to global water shortages to the proliferation of the Internet of Things and its impact on the security of our homes cities and critical infrastructure the current security landscape is diverse and complex These global risks have been in the headlines in the last year Global Risks Report and pose significant security challenges both nationally and globally In fact national security is no longer just national Non state actors cyber NGO rising powers and hybrid wars and crimes in strategic areas pose complex challenges to global security In the words of Horst Rittel 1968 Design is an activity which aims at the production of a plan which plan if implemented is intended to bring about a situation with specific desired characteristics without creating unforeseen and undesired side and after effects **The Emerging Middle East-East Asia Nexus** Anoushiravan Ehteshami, Yukiko Miyagi, 2015-03-27 As the economies of East Asia grow ever stronger their need for energy resources increases which in turn compels closer relations with the countries of the Middle

East This book examines the developing relations between the countries of East Asia especially China and Japan with the countries of the Middle East It looks at various key bilateral relationships including with Iran and Syria discusses the impact on the United States hegemony in both regions considers whether the new relations represent a contribution to or a threat to peace and stability and assesses the implications of the changes for patterns of regional and global international relations systems

Arbitration in Belgium Niuscha Bassiri, Maarten Draye, 2016-03-24 Despite the obvious advantages accruing from its central location and the presence of the EU institutions in its capital city Brussels Belgium has never fully fulfilled its potential to emerge as an attractive jurisdiction for international arbitration Now however with the adoption in 2013 of an entirely new arbitration law and the accompanying overhaul of the rules of CEPANI the Belgian Centre for Arbitration and Mediation Brussels is poised to progress rapidly towards the top rank of European and global seats of arbitration This is the first comprehensive treatise in English to provide practical guidance to arbitration practitioners in house counsel and judges on how to conduct arbitrations in Belgium To facilitate its use it is structured as an article by article commentary on the 2013 Law addressing the following aspects of each article the purpose of the provision comparison with the UNCITRAL Model Law on Commercial Arbitration party autonomy issues of costs and interplay with the rules of other major arbitration institutions and the New York Convention The core of each article commentary is an in depth analysis that provides recommendations to practitioners and judges The analysis goes beyond the contents of the commented article and deals with related issues that are not addressed expressly in the Law but may be of relevance for the issues covered in the provision in question Arbitration professionals will find here convincing evidence of the liberal system for arbitration now prevailing in Belgium along with rules that reflect the most recent trends in international practice The description and analysis offered are sure to contribute to the recognition of Belgium as a global arbitral jurisdiction

Unsteady Computational Fluid Dynamics in

Aeronautics P.G. Tucker, 2013-08-30 The field of Large Eddy Simulation LES and hybrids is a vibrant research area This book runs through all the potential unsteady modelling fidelity ranges from low order to LES The latter is probably the highest fidelity for practical aerospace systems modelling Cutting edge new frontiers are defined One example of a pressing environmental concern is noise For the accurate prediction of this unsteady modelling is needed Hence computational aeroacoustics is explored It is also emerging that there is a critical need for coupled simulations Hence this area is also considered and the tensions of utilizing such simulations with the already expensive LES This work has relevance to the general field of CFD and LES and to a wide variety of non aerospace aerodynamic systems e g cars submarines ships electronics buildings Topics treated include unsteady flow techniques LES and hybrids general numerical methods computational aeroacoustics computational aeroelasticity coupled simulations and turbulence and its modelling LES RANS transition VLES URANS The volume concludes by pointing forward to future horizons and in particular the industrial use of LES The writing style is accessible and useful to both academics and industrial practitioners From the reviews Tucker s

volume provides a very welcome concise discussion of current capabilities for simulating and modelling unsteady aerodynamic flows. It covers the various possible numerical techniques in good clear detail and presents a very wide range of practical applications beautifully illustrated in many cases. This book thus provides a valuable text for practicing engineers, a rich source of background information for students and those new to this area of Research Development and an excellent state of the art review for others. A great achievement. Mark Savill, FHEA, FRAeS, C Eng, Professor of Computational Aerodynamics Design, Head of Power Propulsion Sciences Department of Power Propulsion School of Engineering, Cranfield University, Bedfordshire, U.K. This is a very useful book with a wide coverage of many aspects in unsteady aerodynamics, method development and applications for internal and external flows. L. He, Rolls Royce, RAEng Chair of Computational Aero-Thermal Engineering, Oxford University, U.K. This comprehensive book ranges from classical concepts in both numerical methods and turbulence modelling approaches for the beginner to latest state of the art for the advanced practitioner and constitutes an extremely valuable contribution to the specific Computational Fluid Dynamics literature in Aeronautics. Student and expert alike will benefit greatly by reading it from cover to cover. Sebastien Deck, Onera, Meudon, France.

The Great Eurozone Disaster Heikki Patomäki, 2013-03-14. The last couple of years have seen the eurozone lurch from crisis to calamity. With Greece, Portugal and Ireland already driven to the brink of economic catastrophe and the threat that a number of other EU countries are soon to follow, the consequences for the global economy are potentially dire. In The Great Eurozone Disaster, Heikki Patomäki dissects the current crisis, revealing its origins lie in the instability that has driven the process of financialisation since the early 1970s. Furthermore, the public debt crises in the European deficit countries have been aggravated rather than alleviated by the responses of the Commission and leaders of the surplus countries, especially Germany. Providing a captivating narrative about how Europe ended up in its present predicament, Patomäki presents a radical new vision for global economic democracy as the only viable way out of the current crisis.

The Drone Debate Avery Plaw, Matthew S. Fricker, Carlos Colon, 2015-12-24. The Drone Debate offers a thorough investigation of the where, why, how and when of the U.S.'s use of UAVs. Beginning with a historical overview of the use of drones in warfare, it then addresses whether targeted killing operations are strategically wise, whether they are permissible under international law, and the related ethical issues. It also looks at the political factors behind the use of drones, including domestic and global attitudes toward their use and potential issues of proliferation and escalation. Finally, the use of drones by other countries such as Israel and China is examined. Each chapter features a case study that highlights particular incidents and patterns of operation in specific regions, including Yemen, Somalia, Pakistan and Libya, and strike types: signature strikes, personality strikes, etc.

ICSID Convention after 50 Years: Unsettled Issues Crina Baltag, 2017-02-15. The International Centre for Settlement of Investment Disputes (ICSID) has played a leading role in establishing the field of foreign investment law. It is primarily due to the ICSID that it is no longer peculiar for individuals and corporations to have legal standing in claims.

against governments probably the most notable development of international law of the last half century Now in its fiftieth year and ratified by more than 150 states the ICSID received in 2015 its 500th case This book celebrates this anniversary with an overview and analysis of ICSID case law to date and focusing particularly on unsettled issues assesses possible developments in the institution's next phase This volume collects twenty two essays by prominent practitioners with substantial experience in investment arbitration law The topics they cover encompass such issues as the following the political and economic reasons behind the creation of the ICSID admissibility and jurisdiction ICSID vis vis bilateral investment treaties States concerns about the partiality of arbitrators in favour of investors applicable laws under the ICSID Convention fact finding rules conflicting interpretations of ICSID Convention provisions interaction of foreign investment and economic development value of ICSID awards in the light of EU law annulment of ICSID awards effects of denunciation Bolivia Ecuador Venezuela and non contracting States Russia Brazil India attribution of conduct of State owned enterprises SOEs counterclaims guarantees against political risk and allocation of costs As a detailed response to the question whether ICSID has contributed as promised to an improvement in the investment climate and promoted the flow of private foreign capital and as an assessment of the present and future feasibility of the ICSID system for the resolution of investment disputes by arbitration and conciliation this book has no peers Considering the current crisis of investment law the book's immediate value not only to investors and their counsel but also to practitioners and academics in the field of investment law and arbitration and public international law cannot be overstated Dr Crina Baltag is the author of Kluwer's 2012 book *The Energy Charter Treaty The Notion of Investor and the Associate Editor of Kluwer Arbitration Blog* *Cold Wars* Lorenz M. Lüthi, 2020-03-19 What was the Cold War that shook world politics for the second half of the twentieth century Standard narratives focus on Soviet American rivalry as if the superpowers were the exclusive driving forces of the international system Lorenz M L thi offers a radically different account restoring agency to regional powers in Asia the Middle East and Europe and revealing how regional and national developments shaped the course of the global Cold War Despite their elevated position in 1945 the United States Soviet Union and United Kingdom quickly realized that their political economic and military power had surprisingly tight limits given the challenges of decolonization Asian African internationalism pan Arabism pan Islamism Arab Israeli antagonism and European economic developments A series of Cold Wars ebbed and flowed as the three world regions underwent structural changes that weakened or even severed their links to the global ideological clash leaving the superpower Cold War as the only major conflict that remained by the 1980s **Community Interests Across International Law** Eyal Benvenisti, Georg Nolte, 2018-05-16 This book explores the extent to which contemporary international law expects states to take into account the interests of others namely third states or their citizens when they form and implement their policies negotiate agreements and generally conduct their relations with other states It systematically considers the various manifestations of what has been described as community interests in many areas

regulated by international law and observes how the law has evolved from a legal system based on more or less specific consent and aimed at promoting particular interests of states to one that is more generally oriented towards collectively protecting common interests and values Through essays by experts in the field this book explores topics such as the sources of international law and the institutional aspects of developing the law and covers a range of areas within the law

EU Policies in the Eastern Neighbourhood Elena Korosteleva, Michal Naturski, Licinia Simão, 2018-10-24 The EU continuously searches for more effective policy towards its eastern neighbourhood which is reflected in the on going adaptation of its existing approaches discourses and policy strategies to the new challenges of its external environment In order to understand the complexity and limitations of the EU framework under the European Neighbourhood Policy ENP and the Eastern Partnership Initiative EaP that is to consider the interface between policy instruments institutional structures and multiple agents one needs to adopt an original analytical perspective of practices to comprehensively assess the policies outcomes This volume therefore offers an examination of social practices as implemented through the use of policy instruments and subsequently embedded into the existing emergent social structures which shape and determine the EU neighbours relations To gauge success of the ENP in the eastern region the manuscript pulls together a rich collection of geographical and thematic case studies joined by the overarching conceptual framework of practices This study s principal aims are to discern patterns of social practices which guide agents interactions in different policy areas to explore the origin and effect of these practices the role of dominant discourses logistical imbalances deliberate strategies etc and to explicate the nature of the emerging social structures being established in the eastern region This approach is distinctive from other constructivist undertakings as it allows to synergise the meanings of social actions through the focus on agents and instruments and their structural extensions through the focus on emergent structures across geo and bio political localities of the EU and its eastern neighbourhood This book was published as a special issue of East European Politics

A History of the 1957 Federation of Malaya Constitution Joseph M. Fernando, 2024-12-09 Fernando examines important aspects of the drafting of 1957 Federation of Malaya constitution related to the system of governance division of legislative and executive powers the conceptualisation of citizenship and the roles of the judiciary and election commission The book sheds new light on the balances that the Reid Commission sought to embed in the constitution and the historical constitutional debates and discussions which greatly shaped the framing of the new federal constitution between 1956 and 1957 Drawing on historical evidence mainly from declassified primary constitutional documents it analyses the submissions debates and discussions among the framers and various interest groups during the drafting of the constitution between 1956 and 1957 to discern more clearly the intentions of the framers on many aspects of governance and distribution of powers embedded in the constitutional provisions This book reveals more deeply the nature and complexity of the constitutional issues faced by the framers and how they attempted to reach compromises between the various interest groups in Malaya It is a valuable

resource for scholars and academics of Malaysian Asian and Commonwealth constitutional history as well as those interested in history law political science and important aspects of governance and distribution of powers in the system of parliamentary democracy **Tonkin Gulf and the Escalation of the Vietnam War, Revised Edition** Edwin

Moise, 2019-07-15 On July 31 the U S Navy destroyer USS Maddox DD 731 began a reconnaissance cruise off the coast of North Vietnam On August 2 three North Vietnamese torpedo boats attacked the ship On the night of August 4 the Maddox and another destroyer the USS Turner Joy DD 951 expecting to be attacked saw what they interpreted as hostile torpedo boats on their radars and reported themselves under attack The following day the United States bombed North Vietnam in retaliation Congress promptly passed almost unanimously and with little debate a resolution granting President Lyndon Johnson authority to take all necessary measures to deal with aggression in Vietnam The incident of August 4 1964 is at the heart of this book The author interviewed numerous Americans who were present Most believed in the moment that an attack was occurring By the time they were interviewed there were more doubters than believers but the ones who still believed were more confident in their opinions Factoring in degree of assurance one could say that the witnesses were split right down the middle on this fundamental question A careful and rigorous examination of the other forms of evidence including intercepted North Vietnamese naval communications interrogations of North Vietnamese torpedo boat personnel captured later in the war and the destroyers detailed records of the location and duration of radar contacts lead the author to conclude that no attack occurred that night

Chemical Control Michael Crowley, 2016-01-26 This thoroughly researched study highlights the international community s failure to regulate contemporary state research development marketing and or deployment of riot control agents and incapacitating chemical agent weapons **Milton Friedman** Jennifer

Burns, 2023-11-14 An Economist Best Book of 2023 One of The New York Times 33 Nonfiction Books to Read This Fall Named a most anticipated fall book by the Chicago Tribune and Bloomberg Finalist for the 2024 Hayek Book Prize Wherever you sit on the political spectrum there s a lot to learn from this book More than a biography of one controversial person it s an intellectual history of twentieth century economic thought Greg Rosalesky NPR s Planet Money The first full biography of America s most renowned economist Milton Friedman was alongside John Maynard Keynes the most influential economist of the twentieth century His work was instrumental in the turn toward free markets that defined the 1980s and his full throated defenses of capitalism and freedom resonated with audiences around the world It s no wonder the last decades of the twentieth century have been called the Age of Friedman or that analysts have sought to hold him responsible for both the rising prosperity and the social ills of recent times In Milton Friedman the first full biography to employ archival sources the historian Jennifer Burns tells Friedman s extraordinary story with the nuance it deserves She provides lucid and lively context for his groundbreaking work on everything from why dentists earn less than doctors to the vital importance of the money supply to inflation and the limits of government planning and stimulus She traces Friedman s long standing

collaborations with women including the economist Anna Schwartz his complex relationships with powerful figures such as the Federal Reserve chairman Arthur Burns and the Treasury secretary George Shultz and his direct interventions in policymaking at the highest levels Most of all Burns explores Friedman s key role in creating a new economic vision and a modern American conservatism The result is a revelatory biography of America s first neoliberal and perhaps its last great conservative

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