2003 Volume 6 No 2 Special Edition

Colloquium Papers 2002

Editorial

This special volume contains contributions emanating from a colloquium held in Johannesburg on 16 November 2002 by the FACULTY OF LAW of POTCHEFSTROOM UNIVERSITY FOR CHE in collaboration with the KONRAD-ADENAUER-STIFTUNG. The theme of the colloquium was “political, socio-economic and cultural issues in constitutional adjudication”. External evaluators did not review the contributions and as a result the editors of PER are not responsible for any shortcomings which might be present.

Redaksioneel

Hierdie spesiale volume bevat ’n aantal bydraes wat voortspruit uit ’n colloquium wat deur die REGSFAKULTEIT van die POTCHEFSTROOMSE UNIVERSITEIT VIR CHO in samewerking met die KONRAD-ADENAUER-STIFTUNG in Johannesburg op 16 November 2002 gehou is. Die tema van die colloquium was “politieke, socio-ekonomiese en kulturele geskilpunte in grondwetlike beslissings”. Die voordragte is nie, soos gebruiklik, deur eksterne evalueerders geëvalueer nie en gevolglik is die redaksie van PER nie aanspreeklik vir enige gebreke in die inhoud daarvan nie.

12 March 2003

Contents

Political issues

1. Politics, socio-economic issues and culture in constitutional adjudication - F Venter
2. Politics and Constitutional Adjudication: A response to Prof F Venter - KD Chetty
3. The balancing of conflicting rights in the application of section 49 of The Criminal Procedure Act – S de la Harpe & T van der Walt
4. Interpretation of the Constitutional provisions relating to international law – M Olivier

Socio-economic issues

1. Some thoughts on socio-economic rights - GE Devenish
2. The significance of a philosophical approach in constitutional adjudication with reference to the Prince case - Z Eloff
5. The Constitutional Court’s contribution to sustainable development in South Africa - LJ Kotze

Cultural issues

God’s Kingdom in The Law’s Republic: religious freedom in South African constitutional jurisprudence - IJ Kroeze

The interaction between religious freedom, equality and human dignity - GJ Pienaar

Mosekene v The Master 2001 2 Sa 18 (Cc): Racial discrimination laws and the interests of Justice - C Rautenbach

Constitutional Interpretation according to First National Bank of SA Limited T/A Wesbank v Commissioner for the South African Revenue Services and another; First National Bank of SA Limited T/A Wesbank v Minister of Finance 2002 (7) Bclr 702 Cc - E van der Schyff

Universality of human rights and cultural diversity: A Perspective - L Wessels