

# REVISED INDEX

RESPONDENT

Action Moral Standards

WRITTEN BY 11/6

[Blank]

ORAL

[Blank]

ALLOCATION

[Blank]

NO

[Blank]

RESPONDENT

Africa Christian Action (Various)

WRITTEN BY 11/6

[Blank]

ORAL

[Blank]

ALLOCATION

[Blank]

NO

[Blank]

RESPONDENT

AHI (Afrikaanse Handelsinstituut (Municipal Taxes)

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

RG

NO

[Blank]

RESPONDENT

Anderson J.

WRITTEN BY 11/6

[Blank]

ORAL

[Blank]

ALLOCATION

[Blank]

NO

[Blank]

RESPONDENT

Association of Law Societies (Various)

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

[Blank]

NO

[Blank]

RESPONDENT

Association of Marketers

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

LA

NO

[Blank]

RESPONDENT

ARMSA (Independence of Magistrates)

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

JK

NO

[Blank]

RESPONDENT

Buchman, Kurt

WRITTEN BY 11/6

No

ORAL

[Blank]

ALLOCATION

[Blank]

NO

[Blank]

RESPONDENT

Business SA (Lockout)

WRITTEN BY 11/6

Yes

ORAL

Yes

ALLOCATION

CO'R

NO

[Blank]

RESPONDENT

Centre for Applied Legal Studies (Anti-Objections)

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

Various

NO

[Blank]

RESPONDENT

Chalom RE (Separation of Powers/Forfeiture of Rights)

WRITTEN BY 11/6

[Blank]

ORAL

[Blank]

ALLOCATION

[Blank]

NO

[Blank]

RESPONDENT

Christians for Truth (Family and Marriage)

WRITTEN BY 11/6

[Blank]

ORAL

[Blank]

ALLOCATION

[Blank]

NO

[Blank]

RESPONDENT

Cilliers A C  
WRITTEN BY 11/6  
Yes  
ORAL  
No  
ALLOCATION  
YM/JK  
NO  
[Blank]

RESPONDENT  
Concerned SA Indians (Language Rights)  
WRITTEN BY 11/6  
Yes  
ORAL  
No  
ALLOCATION  
YM  
NO  
[Blank]

RESPONDENT  
Constitutional Assembly (Certification)  
WRITTEN BY 11/6  
[Blank]  
ORAL  
[Blank]  
ALLOCATION  
[Blank]  
NO  
[Blank]

RESPONDENT  
Contralesa (Various)  
WRITTEN BY 11/6  
Yes  
ORAL  
Maybe  
ALLOCATION  
YM  
NO  
[Blank]

RESPONDENT  
Cosatu (Lockout/Anti-Objections)

WRITTEN BY 11/6  
Cosatu (Lockout/Anti-Objections)es  
ORAL  
Yes  
ALLOCATION  
CO'R  
NO  
6

RESPONDENT  
De Barros M  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Environmental Law Association (Environmental Rights)  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Esterhuyse H  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Free Market Foundation  
WRITTEN BY 11/6

Yes  
ORAL  
Maybe  
ALLOCATION  
LA  
NO  
[blank]

RESPONDENT  
Gun Owners  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Gauteng Chamber of Commerce  
WRITTEN BY 11/6  
Yes  
ORAL  
Maybe  
ALLOCATION  
Various  
NO  
[blank]

RESPONDENT  
Hoffenberg A  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Human Rights Committee  
WRITTEN BY 11/6  
Yes

ORAL  
Maybe  
ALLOCATION  
JK  
NO  
[blank]

RESPONDENT  
Human Life International  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Konservatiewe Party  
WRITTEN BY 11/6  
Yes  
ORAL  
Yes  
ALLOCATION  
LA/YM  
NO  
[blank]

RESPONDENT  
Laue R E (Independence of Magistrates)  
WRITTEN BY 11/6  
Yes  
ORAL  
No  
ALLOCATION  
JK  
NO  
[blank]

RESPONDENT  
Legal Resources Centre (Access to Information)  
WRITTEN BY 11/6  
Yes  
ORAL

Maybe  
ALLOCATION  
JK  
NO  
[blank]

RESPONDENT  
Loerie Committee -- Advertsing Industry (Intellectual Property Rights)  
WRITTEN BY 11/6  
Yes  
ORAL  
No  
ALLOCATION  
LA  
NO  
[blank]

RESPONDENT  
Mahomed H (Restraint of Trade)  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Mann J D (Right to Life)  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Mathee P A, MP (Membership of Legislature)  
WRITTEN BY 11/6  
Yes  
ORAL  
Maybe

ALLOCATION

JK

NO

[blank]

RESPONDENT

Minister of Police Western Cape (Provincial Powers in Respect of Police)

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

AC

NO

[blank]

RESPONDENT

Munnikhuis J

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

Nederduitse Gereformeerde Kerk (Right to Life/Family Rights]

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

Nixon E W

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

[blank]  
NO  
[blank]

RESPONDENT  
Nothagel A (Separation of Powers)  
WRITTEN BY 11/6  
Yes  
ORAL  
Maybe  
ALLOCATION  
JK  
NO  
[blank]

RESPONDENT  
Ouerbelangegroep  
WRITTEN BY 11/6  
Yes  
ORAL  
Maybe  
ALLOCATION  
YM  
NO  
[blank]

RESPONDENT  
People for Life (Right to Life)  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Premier KwaZulu Natal (Provincial Powers)  
WRITTEN BY 11/6  
Yes  
ORAL  
Maybe  
ALLOCATION  
AC

NO  
[blank]

RESPONDENT  
Pro Life (Right to Life)

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

YM

NO

[blank]

RESPONDENT

Prozesky MH (Discrimination against Non-theists)

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

YM

NO

[blank]

RESPONDENT

Reproductive Rights Alliance

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

YM

NO

[blank]

RESPONDENT

Roman Catholic Church (Right to Life)

WRITTEN BY 11/6

No submission

ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

SA Agricultural Union & the Agricultural Employers' Organisation (Right to Property)

WRITTEN BY 11/6

Yes

ORAL

Yes

ALLOCATION

LA

NO

[blank]

RESPONDENT

SA Institute of Race Relations (Application Bill of Rights/Socio-economic Rights)

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

JK

NO

[blank]

RESPONDENT

Society of Archivists

WRITTEN BY 11/6

Yes

ORAL

Maybe

ALLOCATION

YM

NO

[blank]

RESPONDENT

Spangenberg DF

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

State Herald (Official Seal)

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

YM

NO

[blank]

RESPONDENT

Theron H W (Rights and Duties)

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

Transvaal Agricultural Union (Right to Property)

WRITTEN BY 11/6

Yes

ORAL

Yes

ALLOCATION

LA

NO

[blank]

RESPONDENT

United Christian Action (Preamble)

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

[blank]

NO

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RESPONDENT  
Victims of Choice  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT  
Volkstaatraad (Self-determination)  
WRITTEN BY 11/6  
Background  
ORAL  
[blank]  
ALLOCATION  
YM  
NO  
[blank]

RESPONDENT  
Weissman, Bond, Zita & Miller  
WRITTEN BY 11/6  
Yes  
ORAL  
Maybe  
ALLOCATION  
JK  
NO  
[blank]

RESPONDENT  
Welch J I (Arms for Legitimate Purposes)  
WRITTEN BY 11/6  
[blank]  
ORAL  
[blank]  
ALLOCATION  
[blank]  
NO  
[blank]

RESPONDENT

Women for Responsible Rights (Family Rights)

WRITTEN BY 11/6

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ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

World Federation of Doctors

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

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NO

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## **SUPPLEMENTARY**

RESPONDENT

Concerned SA Indians (Language Rights)

WRITTEN BY 11/6

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ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

Core (Independent E C)

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

JK

NO

[blank]

RESPONDENT

Dennelly P

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

[blank]

NO

[blank]

RESPONDENT

Prince Madlakadlaka (Language Rights)

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

YM

NO

[blank]

RESPONDENT

Nqontja M S

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

JK

NO

[blank]

RESPONDENT

SA Institute of Intellectual Property Law (Intellectual Property Rights)

WRITTEN BY 11/6

[blank]

ORAL

[blank]

ALLOCATION

LA

NO

[blank]

RESPONDENT

Van der Merwe A K (Environmental Rights)

WRITTEN BY 11/6

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ORAL

[blank]

ALLOCATION

LA

NO

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## MEMO

TO: All Justices

From: JY Mokgoro

Date: 04 June 1996

Re: Translation of Prince Madlakadlaka's letter requesting recognition of Khilobedu as twelfth official language in the new Constitution

When the President of South Africa inaugurated the Constitutional Court, I noticed that the logo representing eleven languages. Khilobedu was not one of them. In 1990 when I requested the past government to grant all languages official recognition, I forgot to include khilobedu.

The khilobedu community has now requested me to make representation on their behalf, that Khilobedu be given recognition as one of the official languages in the new Constitution. On 29 April, 1996 I faxed a letter to the chairman of the Constitutional Assembly requesting him to recognise khilobedu as such. On the 30th April 1996 I received a reply by fax in which the chairman informed me that they were still completing the writing of the Constitution and would contact me later. I informed Queen Modjadje of the Balobedu about these developments.

When the new Constitutional text was released by the Constitutional Assembly I thought Khilobedu would now be a 12th official language. On radio and television they speak only of eleven languages. The Balobedu community is under the rule of the Bapedi, but we are distinctive group from the latter. Balobedu (those who speak Khilobedu) in South Africa are more than the Ndebele and Swazis. Khilobedu originates from Khirotswe, that is, the language spoken by the Barotse in Zambia. The Balobedu people came from Zimbabwe to South Africa in the year 1500.

I humbly request that khilobedu become the 12th official language in the new Constitutional Text. Also I request that Kbilobedu be taught to students who are native speakers of the language and Ndebele or English be taught as their second language.

Having considered the situation in other African countries, such as Liberia, I have come to the conclusion that a government of National Unity is the best model for South Africa. As a clergyman I totally reject a totalitarian state. I do not want to see South Africa following in the steps of other African countries. To prevent all these problems a government of National Unity is the best solution. Even though the National Party has withdrawn from the government of National Unity, I still suggest that if it is possible, all political parties which were involved in the drafting of the 1993 Constitution should agree to national mediation as was requested by the Inkatha Freedom Party. However, the decision still lies with all political parties and the Constitutional Court.

## **Prince Madlakadlaka**

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**CHEADLE, THOMPSON & HAYSOM**

Attorneys, Notaries & Conveyancers

Braamfontein

22 May 1996

### **APPLICATION TO CERTIFY A NEW CONSTITUTIONAL TEXT IN TERMS OF SECTION 71 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993: SUBMISSIONS BY COSATU**

We represent the Congress of South African Trade Unions ("COSATU").

Our client has a material interest in the outcome of the process of certification of the new Constitution adopted by the Constitutional Assembly on 8 May 1996. In particular, our client has an interest in the formulation of the labour rights entrenched in the new Constitution, which affects its membership directly. Our client would seek to make submissions to the Constitutional Court on the labour relations clause (clause 23) and the immunity clause (clause 39(4)) on the basis that in these clauses are consistent with the Constitutional Principles entrenched in the interim Constitution and that the new Constitution should accordingly be certified.

However, the directions issued by the Constitutional Court in terms of Rule 15 of its Rules, provide only for the following parties to make submissions:

1. Political parties represented in the Constitutional Assembly.
2. Any other party wishing to object to the certification of the Constitution.

The Directions accordingly preclude, our client from making written submissions and presenting oral argument before the Constitutional Court in support of the labour rights and immunity clauses. These are obviously matters which are of fundamental interest to the entire labour movement in South Africa. Given its direct interest in the labour rights, our client believes that its submissions would be helpful to the Court.

We are accordingly instructed to request that our client is permitted to make written submissions and, if necessary, to present oral argument before the Constitutional Court, defending the above-mentioned clauses in the new Constitution.

We would also seek the Court's direction as to:

- (1) whether our client would be required to comply with the 1,000 word limit for submissions;
- (2) whether it would have to file full heads of argument; and
- (3) the date by which its' written submissions would have to be lodged.

Furthermore, bearing in mind that our client would want to defend the clauses mentioned above, it would be helpful if, for the purposes of preparing its written submissions, it has access to submissions made by other parties in regard to the labour relations and immunity clauses. Our basis for this request is that in an ordinary application before the Constitution Court, an amicus curiae would have the opportunity to peruse the applicants' and respondents' heads of argument.

We await your urgent response in this regard. Should you require any further information or clarification do not hesitate to contact the writer hereof.

**URMILA BHOOLA**