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LEGAL OPINION
[Confidential]

TO: Adv SP Holomisa, MP
Mr BA Mnguni, MP
Co-Chairperson of the Joint Constitutional Review
Committee

COPY: Mr MB Coetzee
Acting Secretary to Parliament

FROM: Constitutional and Legal Services Office
[Adv G Rhoda – Parliamentary Legal Adviser]

DATE: 27 August 2012

SUBJECT: Legal Opinion on the submission by Dr Broodryk to the
Joint Constitutional Review Committee

CRC REF: CR12-3

REFERENCE: 185/2012



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MEMORANDUM

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INTRODUCTION

1. Our Office was requested to advise on the submission by Dr Johann Broodryk for constitutional review by the Joint Constitutional Review Committee.
2. From the submission provided, it is not clear what Dr Broodryk argues for. He notes that because Chapter 2 of the Constitution, 1996 deals with Ubuntu, it would be convenient for students to study the Bill of Rights in order to understand Ubuntu.

LEGAL ADVICE

3. This submission therefore does not propose an amendment to a particular constitutional provision. Dr Broodryk's submission should be directed at an appropriate parliamentary committee.
4. It is recommended that the Joint Constitutional Review Committee does not consider the submission for the purpose of an amendment to the Constitution.

Adv G Rhoda
Parliamentary Legal Adviser

Chapter 2: BILL OF RIGHTS (UBUNTU)

The whole chapter deals with Ubuntu (humanness).
Since Ubuntu is now being taught in so many educational institutions and
academical institutions, students will find it convenient to study the
Bill of Rights in order to understand Africanness.

Best

Dr Johann Broodryk
Ubuntu School of Philosophy
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