

Preface

This volume contains the record of the sixth in a series of judicial colloquia on international human rights norms, held in Bloemfontein, South Africa, from 3 to 5 September 1993. The series began in Bangalore, India, in 1988, with subsequent meetings held at various Commonwealth venues: Harare, Zimbabwe (1989); Banjul, The Gambia (1990); Abuja, Nigeria (1991) and at Balliol College, Oxford, England (1992).

In all, there were over 50 participants. Senior Judges from sixteen Commonwealth countries and the United States of America joined leading South African judges and jurists at the colloquium, hosted by the Hon Mr Justice M M Corbett, Chief Justice of South Africa. The list of participants appears at page ix..

As on previous occasions, the colloquium was concerned with the broad theme of the domestic application of international human rights norms. Within this theme the colloquium concentrated on discrimination (on grounds of both gender and race) and freedom of expression, matters which are high among the contemporary concerns of South African lawyers. The colloquium was held in South Africa in response to the wishes of a broad spectrum of South African jurists who welcomed the opportunity to assist the transition process by furthering informed discussion on the implementation and application of international human rights norms amongst the Judiciary and senior lawyers, who will be called upon to interpret the human rights provisions in the new South African Constitution.

The concluding statement of the colloquium, referred to as the Bloemfontein Statement of 1993, is reproduced at page vi. The Statement reaffirms the principles accepted in the earlier judicial colloquia and welcomes the movement towards a non-racial and democratic South Africa with a constitution which guarantees the protection of fundamental human rights. Participants affirmed the importance of international human rights law and comparative case law in the interpretation of national constitutions, and confirmed their belief that the provision of justice requires a competent, independent and broadbased judiciary. The principle that public authorities may be required to take affirmative action where necessary to achieve equality and to address discrimination, and must eliminate indirect as well as intentional discrimination was broadly supported. Finally, participants recognised the special responsibility of judges to ensure the compliance by all branches of government at all times with the legal principles of a free society.

The Bloemfontein colloquium, as with the preceding ones in the series, was organised jointly by the Legal and Constitutional Affairs Division of the Commonwealth Secretariat and INTERIGHTS (the International Centre for the Legal Protection of Human Rights), with funding by a consortium of donors comprising the British Overseas Development Administration (ODA); the Kagiso Trust; the Canadian Embassy Dialogue Fund and the British Council whose generosity is gratefully acknowledged.

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