

CONSULTATION IN PREPARATION FOR THE MEETING WITH LAW PROFESSORS
FROM WHITE SOUTH AFRICA

(31/12/86)

Comrades Teddy Pekane and Penuell Maduna met to discuss and work out a provisional agenda for the meeting with the ^{S.A.} law professors expected to take place on Monday the 5th. January, 1987.

The two comrades agreed on the following provisional agenda:

PROVISIONAL AGENDA FOR THE MEETING WITH LAW PROFESSORS FROM THE
UNIVERSITY OF PRETORIA. 05/01/87.

1. Opening remarks by the Chairperson(Cde. Jack Simons)
2. Reply by the law professors;
3. Speech by the leader of the delegation of the professors;
4. Human Rights and Apartheid Colonialism-the current set up(ANC)
5. Discussion(of 3 and 4 above);
6. Human Rights-The Freedom Charter perspective(ANC)
7. Discussion(of 6 above)
8. Consolidating, guaranteeing and protecting Human Rights in future South Africa(both delegations to discuss how they think this ought to be handled);
9. Conclusion.

The two comrades then agreed that they should see Cdes. J. Stuart, Tony Mongalo and Thabo Mbeki, and further discuss the provisional agenda and solicit their views in this regard. At such a consultation the two comrades also agreed to raise the question of the objectives of the ANC(SA) in participating in the meeting with the law professors.

At 09H00 the two comrades managed to meet only Cde. J. Stuart with whom the provisional agenda was discussed. Cde. Stuart accepted the provisional agenda as it stood. Asked whether it would be correct to involve members of the NEC in the forthcoming meeting as the law professors were apparently coming as ordinary professionals/technicians and should not therefore be/appear to be given red carpet treatment by the ANC(SA), Cde. Stuart said he believed that the NEC should be involved, as the NEC has a particular interest in what the professors have to say. He further said it is not correct to think that the professors are coming to the ANC(SA) in their individual and professional capacity as they are not just Afrikaners but most probably also members of the ruling Nationalist party sent to sound the ANC(SA) out on the topical issue of Human Rights in South Africa beyond apartheid. He therefore

undertook to raise and discuss the issue with the President and the Secretary-General of the ANC(SA) and also with Cde. Thabo Mbeki and even request Cde. Thabo Mbeki to attend the meeting. He said he thought that the President of the ANC(SA) himself, time allowing him, would like to attend at least part of the meeting. He will get back to the DLCA and inform it in time who will join the ANC(SA) delegation and even suggested that Cde. Barbara Masekela too should attend the meeting.

Cde. Stuart and the two DLCA members agreed that the ANC(SA) objective in respect of the meeting is three-fold, viz.:-

- (a) to inform the ANC(SA) about the thinking of Afrikaners in respect of Human Rights, how the Afrikaners in particular perceive and see the future without apartheid colonialism and also about the fears, concerns and idiosyncrasies of Afrikaners;
- (b) to get the delegation of the law professors to accept the leadership role of the ANC(SA), and
- (c) to get the delegation of the law professors to accept the ^{ANC(SA)} perspective and that apartheid must be done away with by all those who see the need for that, whether they be black or white.

Cde. Stuart further said that he knows that the Afrikaners in particular are concerned about the following:

- (a) Christian life and up-bringing of their families and children;
- (b) the right to use and develop their language and culture and
- (c) the right to physical protection and also protection against involuntary and imposed intergration.

He said tactically the ANC(SA) delegation should address these issues thoroughly even before the delegation of the law professors raises or alludes to them.

Soon after this consultation with Cde. Stuart the two DLCA members were called by Cde. Tom Sebina who told them that the delegation of the law professors would be arriving on Monday the 5th. January and that in the stead of Prof. Basson, the delegation would be joined by Prof. Derrek Van der Merwe of the Rand Afrikaanse Universiteit(RAU). It would be accompanied by Harald Pakendorf, a journalist, who arranged for the scheduled meeting. The two DLCA members immediately went to see Cde. G. Morodi, the Chief Representative, and requested him to have Prof. Van der Merwe and Harald Parkendorff cleared by the Zambian Authorities for entry into Zambia on Monday. This has been done, the Chief Rep. assured the two DLCA members subsequently.

Cde. Albie Sachs has confirmed by telex that he will be available, and will attend the meeting on Monday the 5th. January. Up to the end of the day it was not clear whether or not a ticket was bought for Cde Kader Asmal by our London office as the new TG-0 Administrative Secretary, Cde. Mendi Msimang, was not aware whether his predecessor, Cde. Doedles Gaboo had communicated the request to London.

Late in the afternoon the following telex message, purporting to be the agenda proposal of the law professors and addressed to Cde. Tom Sebina, was received:

TO: TOM SEBINA

FROM: HARALD PAKENDORF

HEREWITH SHORT AGENDA FOR MONDAY'S DISCUSSION:

1. GENERAL VIEWS ON PROTECTION OF HUMAN RIGHTS
2. IS A BILL OF RIGHTS, IF IT HAS ALL-ROUND CONSENT, ACCEPTABLE IF IT GROWS OUT OF THE PRESENT SYSTEM ?
3. ASPECTS OF THE FREEDOM CHARTER
4. DISCUSSION ON SOME RIGHTS WHICH NEED PROTECTION- GROUP RIGHTS
5. PRIVATE OWNERSHIP OF PROPERTY AND THE REDISTRIBUTION OF WEALTH
6. RELIGIOUS FREEDOM
7. DUE PROCESS OF LAW AND SECURITY LEGISLATION, MILITARY CONSCRIPTION
8. VIEWS ON THE KWA-NATAL BILL OF RIGHTS AND THE FCI CHARTER

THOSE WHO WILL BE COMING ARE PROFESSORS VILJOEN AND VAN DER WESTHUIZEN (PRETORIA UNIVERSITY) AND VAN DER MERWE (RAND AFRIKAANS UNIVERSITY) AND MYSELF. PLEASE NOTE THIS LATE CHANGE AND PLAN ACCORDINGLY FOR VISAS AND HOTEL BOOKINGS.

ARRIVING MONDAY ON FLIGHT UM 156 VIA HARARE AT 12H05 AND LEAVE FOLLOWING MORNING. SUGGEST DISCUSSIONS TO BE HELD IMMEDIATELY.

ENDS. 31/12/86.

The two DLCA Secretariat Members agreed that photocopies of this telex message have to be given to the President and the Secretary-General of the ANC(SA) and Cdes. Thabo Mbeki and J. Stuart for their records.

Prepared by: PENUELL M. MADUNA
DLCA SECRETARIAT.





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Professor HJ Simons
Professor of Sociology
University of Zambia
PO Box 32409
LUSAKA
ZAMBIA

Our ref.

Your ref.

Date 12 December 1986

Dear Professor Simons

Thank you very much for your letter dated 19 October 1986. As you perhaps know, a meeting was tentatively arranged for 18 October 1986 but it was then postponed, due to practical difficulties on your side. We have now arranged to meet on 5 January 1987 and I sincerely hope that we will be able to see you on that date.

Our Centre for Human Rights Studies has now formally been approved and I have been appointed as the director of this centre. Of course the centre is not something totally independent and a number of the ordinary members of our faculty are involved. I also still have all my other duties in connection with the department of which I am the head. However, we shall try to achieve something worthwhile as far as human rights issues are concerned. Therefore I would very much like to hear the views of you and your colleagues.

Kindest regards

Your sincerely

JOHANN VAN DER WESTHUIZEN