

Dear Comrade Albie,

I believe I've sent you
the agenda of the legal
conference on Namibia to be
held in Berlin. Could you
please write a paper about
5 pages on S.A. related to
the listed topics.

Greetings.

Anthony Mongalo

Provisional list of subjects susceptible to consideration by the Colloquium on Namibia

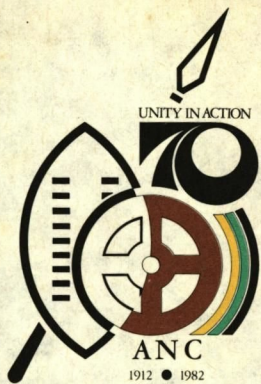
organized by the GDR Lawyers Association and the Society for International Law in the GDR and to be held in Berlin, from October 28 to 29, 1982 with the attendance of foreign experts

1. South West Africa under colonial rule and mandate - the withdrawal of the mandate by the UN and its legal consequences
2. The responsibility of the United Nations and its members to assert the right of the Namibian people to self-determination
3. International isolation of the apartheid regime of the RSA and the enforcement of collective coercitive measures
4. International and individual responsibility for crimes of apartheid and racism and their universal prosecution
5. International responsibility of the RSA for its illegal occupation of and administration and legislation in Namibia
- * 6. Criminal warfare committed by the RSA against the SWAPO and ANC liberation movements
7. Observance of combatant and prisoner of war status of SWAPO fighters
8. Forced conscription of Namibians for the armed services of the illegal occupation regime and the systematic employment of quislings
9. The apartheid regime's criminal terror against the civil population of Namibia
10. Mercenarism in the service of apartheid and its universal outlawing
11. Imperialist collaboration between the apartheid regime of

South Africa and Israeli zionism

12. USA and NATO policies of confrontation and nuclear arms race and their impact on imperialist collaboration with the racist regime of South Africa
13. The activities of the Western "Contact Group" with regard to international obligations and UN resolutions
14. The part played by transnational corporation in pillaging the natural and human resources of Namibia
15. The protection of the natural resources of Namibia and relevant enforcement measures

(SWAPO will make a statement combining numbers 2, 7, 9 and 14 which does not hinder anyone to handle the same topic for the sake of providing comprehensive exposures of these items.)



African National Congress

4/8/82

Dear Comrade Albie,

We wish to inform you that there will be a Colloquium on Namibia organised by the GDR Lawyers Association and the Society for International Law in the GDR to be held in Berlin, October 28-29, 1982.

We request that you kindly prepare a paper on the theme:-
"Criminal warfare committed by the RSA against the SWAPO and ANC liberation movements", and urgently inform us if you will be available to attend the colloquium.

Kindly find enclosed the list of subjects to be considered by the colloquium.

Awaiting your response,

AMANDLA

Raymond Mokoena.

FACULDADE DE DIREITO

Ao Excelentíssimo Sr. Decano
Faculdade de Direito
Universidade de Havana
República Socialista de Cuba.

Exmo.

O professor ALBIE SACHS, regente de Direito Internacional Público e Direito da Família na nossa faculdade, vai iniciar no dia 10 do mês em curso uma digressão de pesquisa por vários países.

Esta viagem está autorizada pelo Magnífico Reitor da Universidade Eduardo Mondlane, visando visitas informais a diversas Faculdades de Direito com o objectivo de trocar impressões e obter informações sobre currículo, documentação jurídica, etc. Gostaríamos de contar com a vossa colaboração neste sentido.

O professor ALBIE SACHS é natural da África do Sul, um dos dirigentes do grupo dos juristas do ANC da África do Sul e amigo pessoal do Representante do ANC em Havana.

De acordo com o seu itinerário, o Prof. ALBIE SACHS pretende visitar a vossa Faculdade durante o período de 28 de Outubro a 7 de Novembro.

Agradecendo a atenção que possa ser dispensada ao professor ALBIE SACHS, enviamos as nossas cordiais saudações.

Maputo, 03 de Setembro de 1982
UNIDADE, TRABALHO, VIGILÂNCIA
O DIRECTOR DA FACULDADE

Lic^o. Eduardé Joaquim Dinis Erasto Mulémbwè

FREEDOM NATIONAL CONGRESS
Regional Political Committee
Maputo

SURVEY FOR THE STARTING OF ENGLISH LITERACY CLASSES.

(Questionnaire to be asked to each eligible member and filled in by the Unit structures.)

1. Name of eligible member _____
2. Age _____ 3. Sex _____
4. Unit where you are participating _____
5. Can you write your name? _____
6. If you have attended school, for how many years? _____
7. What is your first (mother) language? _____
8. Can you read this language?

Well	A few words	Not at all
------	-------------	------------
9. Can you write this language?

Well	A few words	Not at all
------	-------------	------------
10. What other languages can you:-

Speak	Read	Write
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
11. How well do you know English?

To speak:	Fluently	To communicate	A few words	Not at all
To read:	Short texts	A few words	Not at all	
To write:	Short texts	A few words	Not at all	
12. What bairro do you live in in Maputo? _____
13. Indicate the times you would be available every day for classes:

8 - 10am	12 - 2pm	3 - 5pm	5 - 7pm	7 - 9pm	
----------	----------	---------	---------	---------	--
14. If you can never come one specific day of the week, which day(S)?

15. If you would have any difficulties in learning to read and write (like poor eyesight) please state: _____

FEDERAL BUREAU OF INVESTIGATION
Regional Political Committee
Mexico

SURVEY FOR THE STARTING OF ENGLISH LITERARY CLASSES.
(Questionnaire to be sent to each eligible member and filled in
by the Unit Secretary.)

1. Name of eligible member: _____
2. Age: _____ Sex: _____

3. Unit where you are participating: _____
4. Can you write your name? _____

5. If you have attended school, for how long? _____
6. What is your first (mother) language? _____

7. Can you read this language? Well _____ A few words _____ Not at all _____
8. Can you write this language? Well _____ A few words _____ Not at all _____

9. What other languages can you: _____
10. Speak _____ Read _____ Write _____

11. How well do you know English? _____
12. To speak fluently _____ To communicate _____
13. To read _____ To write short texts _____
14. To read _____ To write _____
15. To read _____ To write _____

16. How well do you know English? _____
17. To speak fluently _____ To communicate _____
18. To read _____ To write short texts _____
19. To read _____ To write _____

20. How well do you know English? _____
21. To speak fluently _____ To communicate _____
22. To read _____ To write short texts _____
23. To read _____ To write _____

24. How well do you know English? _____
25. To speak fluently _____ To communicate _____
26. To read _____ To write short texts _____
27. To read _____ To write _____

28. How well do you know English? _____
29. To speak fluently _____ To communicate _____
30. To read _____ To write short texts _____
31. To read _____ To write _____

32. How well do you know English? _____
33. To speak fluently _____ To communicate _____
34. To read _____ To write short texts _____
35. To read _____ To write _____

36. How well do you know English? _____
37. To speak fluently _____ To communicate _____
38. To read _____ To write short texts _____
39. To read _____ To write _____

40. How well do you know English? _____
41. To speak fluently _____ To communicate _____
42. To read _____ To write short texts _____
43. To read _____ To write _____

Cde Albie Sachs,

In view of your outstanding contribution in the critique of the South African legal system, particularly through your book "Justice in South Africa", I would urgently like to ask for your assistance in terms of books in this field (i.e. those in particular which deal with what one could refer to as an "alternative democratic or socialist alternative to the racist legal order.")

In short, Cde Albie, I am asking you to give or lend me ① your "Justice in South Africa", ② plus those books, booklets or pamphlets that deal with the legal system in other democratic or preferably socialist countries; if this material is given to Paul (at Internal), then we'll organise for my getting them here in Swaziland.

Why do I need this? Firstly, as a former law student in S.A., I am in contact here with former colleagues who are practising in the legal profession but who need convincing arguments on the superiority of the Socialist legal system. Secondly, local law students in Swaziland are in need of this knowledge as well, and we have periodical discussions with them.

I'm convinced that you are one person who'll do everything in your power to help with this.

Comrade Mzala
(Khumalo Migue)

Victor Day Dlamini

Victor Day Dlamini Att. Adm. (R.A.)

Attorney-at-Law

Commissioner of Oaths

Administrator of Estates

Telephone 63366

Our Ref: PMM/12

Your Ref:

MHLOPHE CHILIZA

AFRICAN NATIONAL CONGRESS

P.O. BOX 4702

MAPUTO

R.P. DE MOZAMBIQUE.

P O. BOX 660
MANZINI

Hi-Ho Building
Ngwane Street
Manzini

1st. MARCH, 1982

Dear Sir,

RE: THE APPLICATION BEFORE THE SUPREME COURT OF SOUTH AFRICA TO GET THE THREE PEOPLE KIDNAPPEE IN MATOLA LAST YEAR RELEASED.

Your letter of the 22nd. ultimo refers.

Be hereby advised that our Mr. PENUELL MPAPA MADUNA, representing counsel in the above matter, will be in Maputo on the 18th. instant for further consultation. We hereby therefore request you to make the necessary arrangements for him to see the following persons:

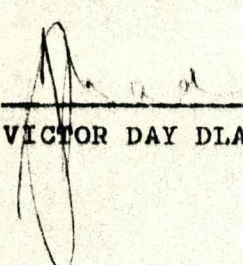
1. An official of the government of THE PEOPLE'S REPUBLIC OF MOZAMBIQUE, who deals with the affairs of refugees from whom he is to get an affidavit stating that the three people concerned were lawfully resident within the territory of the said Republic as refugees, were forcefully removed therefrom and that such removal was in violation of the sovereignty and territorial integrity of the said Republic. This meeting/consultation should be arranged for 10H00 on the 19th. MARCH, 1982.
2. The mother of MOAVIDA (DAVID) THOBELA, to wit ANGELINA MABOTE, from whom he is to get an affidavit on her son who is one of the three people kidnapped in the Matola raid. This consultation is to be on the 20th. March, 1982 at 10H00.
3. Two/three more eye witnesses from whom he is to get more eye witness accounts of the raid in which the three persons were kidnapped. This consultation is to be on the 20th. March, 1982, immediately after the one with ANGELINA MABOTE.
- 4.

4. An attorney or any person who has authority to act as a Commissioner of Oaths before whom all these affidavits shall be signed.

5. An official from the office of the British Consulate who has authority to authenticate documents, to authenticate all the affidavits for us in terms of Rule 63 Of the Rules of Court in the Republic of South Africa.

Kindly confirm a week before the 18th. March, 1982, that you have made all the necessary arrangements by phoning our Mr. P. M. Maduna.

Yours faithfully,


VICTOR DAY DLAMINI.

Received 07/03/82

COLLOQUIM ON NAMIBIA AND INTERNATIONAL LAW - G.D.R. .

THE PEOPLE OF SOUTH AFRICA SUPPORT A SOVEREIGN,
INDEPENDENT, DEMOCRATIC AND UNITED NAMIBIA

A frequent omission from discussion of the status of Namibia, is the position adopted on the subject by the people of South Africa. The organisers of this Colloquium are accordingly to be congratulated for helping to correct this omission. This paper will set out to show the true position of the South African people, more particularly, to demonstrate that the continued and illegal occupation of Namibia is opposed not only by the people of Namibia and by the organised international community, but by the people of South Africa itself.

STATE FORMATION IN SOUTHERN AFRICA

The official histories of our region abound in myths, all of which serve the interests of continued domination and exploitation. The first two myths are that the people of our zone had no form of organised government before the arrival of colonialism, and as a corollary, that it was colonialism that created modern states in Southern Africa. The reality is that colonialism brutally interrupted the indigenous process by state-formation blocking any possibility of the emergence of nation states on the basis of the evolution of a common economy, language and history as had happened, say, in Europe. Colonialism deliberately and systematically destroyed local state structures, and then to justify its negation of the sovereignty and personality of the people, alleged that prior to colonialism the people had no government and lived in anarchy. Only now that the people are uniting on a national and non-ethnic basis to achieve a common and undivided independence from colonial domination, do the colonialists seek to revive in parodied form the ethnic-based power which they themselves annihilated. Similarly, it was not colonialism which 'created' the new states, but the struggle against colonialism. Out of common suffering and common exploitation within a defined territory, peoples of diverse ethnic origins welded themselves together into a common national entity, with common political institutions and a common national consciousness. The process of nation-formation in Southern Africa, still needs to be fully studied, but it is suggested that, contrary to the situation in Europe where historically the ethnically-based nation pre-existed the struggle for national independence, in Southern Africa it has been the struggle for national independence that has forged the nation. Whatever the correct, scientific formulation, generations of struggle have established beyond doubt that the ethnic principle in southern Africa is the main enemy of true nationalism, and that the new nations form themselves within territorial boundaries which arbitrarily cut across zones of earlier ethnic pre-dominance.

The new nation - state that comes into being is not, therefore, a zone inhabited by a mere collection of tribes or races or language groups, as the colonialists

argued. Depending on the depth of popular engagement in the liberation struggle, it is a country belonging to an emergent people with its own distinctive national personality and a single cultural heritage with a rich variety of sources.

This is the Namibia that SWAPO is creating, and this is the South Africa that we envisage.

The next two myths that colonialist and racist society impose on us are that whites by virtue of their allegedly superior biological make-up or their supposedly superior 'civilisation' are inherently superior in every way to blacks, and, secondly, that blacks and whites cannot live together as equals and fellow human beings in a single society. It is the struggle itself which has desposed of both these myths. One need merely compare the philosophy, composition and methods of struggle of SWAPO and of the ANC on one hand, and those of the racist regime on the other, to see which 'civilisation' is superior, the civilisation of humanity sacrifice and optimism, or the civilisation of hatred, greed and despair.

What emerges both from the programmes and of the concrete actions, is that the essential differences are not those of race but of being on the side of or being against exploitation. And similarly the successes of SWAPO and the ANC in building a new non-racial, non-tribal nationality consciousness within their own ranks, is living proof that goals and patriotism can be shared on a basis of equality. The racists assume that everyone else possesses the same mentality as they do, and insist that if they cannot continue as a totally dominating minority at least they be allowed to continue as a protected and privileged one. The option of ordinary democratic participation in the life of the country - as happens elsewhere in the world and as is already a reality in SWAPO and the ANC is simply not considered. Hence the endless manoeuvring on electoral systems and so-called constitutional safeguards.

NAMIBIA AND SOUTH AFRICA - TWO COUNTRIES WITH A COMMON OPPRESSOR

In keeping with the above observations, we can say that British Imperialism and German Imperialism carved out the battle-zones in which the struggles for people's sovereignty were to take place, while the peoples of Namibia and South Africa became brother but separate peoples, both confronted by the same enemy, but each fighting for liberation in its own territory. For the mass of South African people, the victory of the Namibian people, the achievement of true independence

in that country, can only be source of joy and inspiration, and a major step towards the liberation of our own country.

Through its representative, the ANC, the South African People unconditionally support the struggle of the Namibian people led by SWAPO for full and unconditional independence.

Links of struggle between the people of Namibia and the people of South Africa go back deep into the decades. The same so-called 'riot' troops used to massacre our people were sent to Namibia to crush resistance there (see the Bulhoek Massacre in 1923 and the near extermination of the Bondelswarts in 1924) At a later stage when Namibian workers were forced to emigrate to South Africa in search of employment, they were received as brothers by South African workers. The writer vividly remembers the way he personally learnt about Namibian struggles from Thivo Ja Toivo, presently one of SWAPO'S leaders unlawfully held in a South African jail, who, in the 1950's was working and studying in Cape Town. South African journalist Ruth First, then Johannesburg editor of the pro-ANC newspaper the Guardian, visited Namibia at the request of the people's movement there, and wrote a series of articles that exposed to the world in well - documented form the history of oppression and the history of resistance in the country. The research she did formed the basis of her book, entitled South West Africa, which did much to gain support later for the struggle led by SWAPO.

In the years that followed, a close working relationship has been established at all levels between SWAPO and the ANC, with frequent exchanges of information and ideas, and a shared commitment to fighting side by side to eliminate the last vestiges of avert colonialism and race domination in our part of the world.

And it should be added that as far as the people of South Africa are concerned, it is both a legal and a geographical absurdity to argue, as the regime has started doing, that Walvis Bay should be detached from Namibia because it was once colonised by the British. The fact is that however anomalous its status might have been in the last century, from the moment Namibia ceased to fall under German Imperial control, Walvis Bay has been treated both by the occupying power and by the people of Namibia as an integral part of the country. None of the normal signs of separate sovereignty have been there, neither separate boundaries, nor flags, nor customs. Even the privileged minority in Walvis Bay were treated as inhabitants of what was called South West Africa and not of South Africa - it ill befits the racist Pretoria regime to speak of Walvis Bay being legally separate from the rest of Namibia when the regime itself treated it for decades as an integral part of that country. The people of South Africa respect the true boundaries left by history, and have no interest in pressing spurious claims of this sort. As the Freedom Charter, basic document of the ANC adopted at the Congress of the People in 1955 declares :

Conclusion:

The people of South Africa want no more nor less for the people of Namibia than they want for themselves, namely a free, sovereign, united and democratic society in which the humiliation and the exploitation of the past are eliminated once and for all. Victory for the people of Namibia led by their sole and legitimate representative SWAPO, will thus not be a defeat for South Africa, but a defeat only for the racist clique in power. For the great mass of South African people, true independence in Namibia will both be a great achievement in itself, and a major step towards the liberation of our own country. And at the same time, the South African people are fully aware of the heavy responsibility upon them of fulfilling their own task of one and for all destroying the citadel of apartheid; as long as the racist regime survives, as long as apartheid exists - whether in old or new form - there will never be peace and brotherhood in South Africa and the immense resources of the region will never be developed on a basis of equality and mutual benefit.