

REPORT ON:

The creation of an A.N.C legal dept.

Sat 5.12.81 - The first session was convened with the participants comrades Albie Sacks, Sibongile Nkula and Ted Pekane. The meeting started at 09.00 hrs.

The discussions were centred around the following issues:-

1. The structure of the legal dept - that this should come under the international dept doing not only international work but internal work as well.
2. Set up an office with legal documents e.g. U.N. resolutions, OAU, I.L.O and other documents.
3. Have our own research centre - e.g. A.N.C. library equipt with legal documents.
4. Have files on the A.N.C. and Bantustans.
5. Have a summer school starting from next August.
6. Cde Albie to make concrete suggestions of tasks (Specialization)
7. Cde Albie to write on allocation.
8. Cde Albie to make recommendations that we are full time in this dept.

FIRST SESSION; 9.00 to 10.20 am.

Sat 5th Dec. 1981.

1. Comrade Albie to write on allocation. *of tasks.*

Structure of legal dept. - under international dept not only doing international work but also internal work.

- Main funtion is not to do ~~international work~~ but Political legal work.

Set up ^{an} ~~and~~ office with legal documents e.g. U.N. resolutions OAU ^{etc} ~~etc~~, non aligned I.L.O. etc.

Set up a session on documents - Building A.N.C. library-have our own reseach centre.

Have our files on A.N.C. Bantustans, documants etc.

Have summer school next August - start planning for this.

Comrade Albie to ~~make~~ concrete suggestion s of tasks - (Specialization)

Make recommendations that we are full time in this dept.

Second Session Sun. 7-12-'81 16.30 hrs-18.30 hrs

1. Legal documents. (International and S.A.)

a) Documents.

b) Housing

c) finance.

- a) U.N. Set of resolutions - ~~GZA~~ ^{General Assembly} a S.C. ^{committee}

Documentation of the U.N. ~~cde~~ on APARTHEID. DOCUMENTS on the law of the sea -

The A.N.C. should be felt - take a line. ^{International law must} ~~Her law~~ ^{MAKE} ~~cde~~ find ^{com} ~~and~~ what documents

the H.G. international dept have. Arrangement ~~through~~ through the U.N. dept in Lusaka, or through cde Makhatini - S.G. to do it and the Treasury to finance it.

.....2/

2. OAU - check what H.G. has on the OAU (*Council* of Ministers & Liberation committees *minutes* Heads of state) Get the full series if not then at least the last five years. Put on a mailing list.
3. I.L.O. Red Cr. WHO - All material on Apartheid. S.A.D.C.C. - ask for observer status
4. Communique of the front line states.
Arrange to automatically receive status from front line state - *(visit)*
5. The world peace council - Afro Asian committee.

S.A. race relations

Annual survey of the S.A. ~~resolutions~~ full series if not at least last ten years.
Carter and Caris - Papers and documents on the history of S.A.
Parliamentary debates in S.A. full set (1948) going back at least five years.
Debates of the Bantustans. Govt. - reports of *Commission* of inquiries. Annual *report* of the minister of Justice of the *Commission* of prisons and police - at five years.
Collection of S.A. statutes *ies*

BOOKS:

S.A.

- Pro Duegard - Human rights in the S.A. legal system.
- Albie Sacks - Justice in S.A.
Books on constitutional law in S.A.
- L. Thomas the unification of S.A.
How to get S.A. material - contact ~~UNSA~~ or find another channel (book shop or govt dept) finance by A.N.C.

International-

- on inter law
- Principles of Public inter law.
I. Brownlie - 1. Basic doc on I.L.
2. doc on human rights.

Text books on Inter. Law.
White ^{man} - Doc on Inter. Law.
(American book with documents I.L.)

CONSTITUTIONS of the world-

- Front line states
- Socialist states
- Capital states.
- Other African states.
- Constitutional doc on Namibia. Namibian Institute doc.
- Lancaster House doc - (Zimbabwe)
- Text book on the function of U.N.

" " " International Org. *Organisations*
D.D.R. ^{doc} Inter. Economic order. *Order* *Organization* *in four languages.*

Housing for the books.

Plan for a library - spacious for a library and an office.

a Catalogue

Maybe get our own librarian (at a later stage)

All our books must have a stamp.

keep cuttings from newspapers ^{have} a file for them.

OFFICE:

Legal dept to have its own office.

filling cabinet ^{and} with file with key.

Typing school. for both of us.

Type writes Desks. phone.

French language.

Third Session.

Sun. 7/12/81

20.00 hrs.

21.30 hrs.

A.N.C. lawyers Bulletin.

to publish articles,

to state A.N.C positions-

perhaps quarterly.
on legal matters raised by the ANMC.

This bulletin - for all A.N.C lawyers, members of the A.N.C. and supporters inside the country.

It can take many forms - ~~a pamphlet an auditorial Secretarial.~~

and outside from a slight pamphlet to a heavy reviews.

Starting as a bulletin of A.N.C. lawyers and law students. This help to create a tradition of a group - It could have a section on legal developments of our struggle - another section on ~~them~~ like the Int. recognition of the A.N.C

Analysis of Bantustans. etc.

Biographies of lawyers who have been prominent in the A.N.C. e.g. Z.K. Mathews, P. Kaseme. A. Mangena, S.B. Bunting, N. Mandela, O.R. Tambo, B. Fisher, D. Nokwe, G. Mxenge and M.K. Ghandi.

International and Internal legal developments in the country. (filling)

Building up a stock of *articles*.

Start with the Biographics.

one for each name.

P. Kaseme - Mary Benson. R. Simon.

Africa who is who. Mangena

Ghandi - his own autobiography.

Mathews - ^{by} Monicar Wison.

D. Nokwe - ^{by} Mary Benson.

Mxenge -

Bunting ^{by} Edie Raus. Time longer than rope.

} *interviews.*

JUSTICE IN SOUTH AFRICA (SACKS)

Mandela - No easy walk to freedom.

J. Kantos. No healthy grave.

O.R. Tambo. No easy walk to freedom.

Interview with him.

B. Fisher - Naomi Mitcherson . a life for Africa Interviews

Venon Beronje -

J. Slovo

L. Forman -

A. Sachs -

O.R. signal of the Geneva Convention

~~Prisoners of war.~~

Trails -

Statements from the dock. (~~will be still be moved~~) on regular basic.

The publication of the bulletin depends on the authorization of the legal dept.

We could start with the 70th anniversary.

The struggle for the ^{international} petrol boycott.

International Recognition of the A.N.C. - for the cde in Botswana. 800 - 1000 words.

Bantustans - Sibongile Nkula.

Ilitimacy of the apartheid in S.A. Ted Pekane.

National Convention. Albie Sacks.

legal basis for sanctions.

OURTH SESSION

Mon. 8/12/81 21H00

SUMMER SCHOOL:

The Idea ^{is} to arrange a 10 - 14 day session at a convenient time - late August.

dealing with S.A. struggle and International law. To bring together all A.N.C.

Reps

A.N.C. legal people, students - personeel of the International dept - for an organised course of study and to exchange Ideas.

Overall control - International dept. planning and execution under the legal dept.

It should be a close internal thing -

we will have divided themes.

Framework is provided by cde Albie Sacks in document.

The organisation of the summer school.

1983.

Authorization -

List of participants.

HOST Summer School -

- Internal - G.D.R. or any socialist state. U.S.S.R. Bulgaria.

Distribution of tasks of preparation - notes of themes - documents.

Prepare a set of basic lecture note and collection of basic documents lay the legal dept - to all our deplomats.

Give lectures by specialists - discussions and reports.

FIFTH SESSION

RESEARCH:

Material -

Themes -

Introduction to the dean of the UAIZA

UNZV

ask for exess to the library.

Distributes topics to lawyers in different places of the world. Osmad on suceession.

Mbandla on In. recognition of the A.N.C. See min. of 6th. Dec. 81.

A.N.C. WORKSHOP INTERNATIONAL LAW (PROPOSAL)

The objective is to strengthen work in the International field, to create nucleus of A.N.C. legal workers capable of responding to the politico-legal needs of the organisation, and to develop some preliminary ideas on the legal framework of future South Africa.

PARTICIPANTS

Cadres from the International Department.

Representatives.

Cadre from Umkhonto We Sizwe.

A.N.C. members who are lawyers, law teachers or law students.

TIME: About 7 - 10 days in the period July - August 1982.

Place: Anywhere where the participants could in an atmosphere without distractions or interference, preferable in reasonable comfort with food and accommodation provided. Cde Tony Mongalo has indicated that if the idea were approved of the G.D.R. could probably offer facilities. Alternatively, there are contacts in Italy who could probably arrange facilities, alternatively, in Austria. An Alternative possibility would be somewhere in Africa, possibly with support of the O.A.U. e.g. in Ethiopia.

THEMES:

GENERAL

1. What is International Law - its history and sources.
2. International Organisations (Political) - UN, O.A.U., Non-Aligned Movement. Their history, structures and functioning.

3. International Organisations (Economic)
4. Diplomatic Law.
5. The Legal Dimensions of the struggles for National Liberation and Peace.

SPECIFIC

1. The legal Status of the A.N.C as the National Liberation Organisation of South Africa. ANC trave and marriage documents. Problems of discipline and punishment.
2. The Racist Constitutions of South Africa from 1910 to Today.
3. The Bantustans in Internal Law and International Law.
4. The Legitimacy of Armed Struggle in South Africa; International Humanitarian Law and the Status of Captured Combatants.
5. The Freedom Charter as the basis of a National Convention and Constitution for a Free South Africa.
6. International support for the Liberation struggle.

The persons responsible for preparation discussion documents and orienting the discussion will be Abie Sachs and Kader Asmal, but all comrades with experience in particular fields will be expected to lead discussions in these fields (e.g. on the functioning of international organisations; diplomatic practice etc.).

The objective will to share ideas, and, within the framework of ANC policy goals and methods of work, to arrive at a consensus on all the major theme. The rates of the Workshop could then serve as the basis for an ANC booklet.

Finally, it would be valuable to have a senior representative of the N.E.C. to launch the workshop and preside over the opening session so as to stress that this is not just a side-line activity for a few specialists, but the development of an important instrument to back up the people's struggle inside and outside the country.

Albie Sacks.

11-10-81-

MAPUTO.

MOZAMBIQUE.

STRUCTURE -

- 1. Legal dept - Hq directly under S.G.
- 2. Lawyers professional body - ANC Lawyers Association

Legal dept as a nerve centre of the prof. body - full time works who call upon - members of the prof body when necessary. ~~This should be part of the~~

Prof. body.

Do census as internal body - to find out about a full list of people with legal training - still doing legal work and students of law - Have a list of South Africans who sympathise with the ANC. List of legal association and individual lawyers who sympathise with ANC who are not South Africans for legal support.

With this information we could set up a lawyers committee - 1. with the function of working directly in support of the legal dept.

- 2. Maintaining relations with 1 and 3
- 3. " " " all legal bodies in their respective countries .

Our bulletin could be distributed to the above mentioned - 1-2-3. The bulletin could also go to diplomats and International Organisation. (But primarily for us)

Cde Albie suggests that cde Ted and Sibongi, e constitute the L.D. with the task of establishing it in the terms proposed. He will relate as much as possible with them and in ^{any} ~~only~~ event the ^{two} ~~time~~ should ^{come} ~~aim~~ to come to Maputo again for the visit of one week early in April. This visit will be to review progress made and final planing for summer school.

Comrade Albie Sacks believe that two people people are very few for a legal dept. and that the aim should be within a very short space of time have a team of four or five - some of whom will specialise in International work and be prepared for conferences.

After a year we can review the progress - define tasks more precily and advance with the structuring the of the legal body.

GENERAL:

Budgetting for Books and legal material - an annual budget - with capital to begining. Asmal/- for help with books- Sanctions against Apartheid- Burg - for documents.

We need assurance for payment of books ^{doc} ~~and~~ and material. Money for on the spot purchases - when travelling.

Clothing for ANC prestige.

Stationary. Petty cash.

TRAINING.

Attending conference - talking to the leadership - Summer school.

Contact M. Bundla - ANC lawyer in Botswana.

Contact with a practising lawyer - to give us legal advice . on a regular basis.

NEXT MEETING

Meeting next April.

1. Bulletin - Each brings a draft of themes.
2. Summer School.

Comrade Albie recommends very strongly that the two comrades take part in the conference to be held at the University of Zimbabwe between the 8 - 13 of February. He will be out at that time.