

MCH91-31-1-24

The Secretary General,
ANC (South Africa),
Lusaka.

11th May, 1986

Dear Cde Secretary General,

re: MEMORANDUM OF QUESTIONS AND OTHER MATTERS
TO BE DEALT WITH BY NEC

Further to our meeting with you of the 9th May wherein you suggested that we write you a list of questions and other matters which require your special attention or that of the other members of the NEC, our Constitution Committee has pleasure in now presenting you with the following list:

1. The Constitution Committee is awaiting Political Guidelines and considered statement promised by the NWC in its letter of the 7th February, 1986 which transmitted various comments on our first Report and our comments on Freedom Charter and the constitution. These documents are necessary for our further deliberation and examination of constitutional issue.
2. Our committee was asked to draft a letter to the Minister of Justice, Mozambique copied to Minister of Foreign Affairs, re: FORMAL REQUEST FOR THE MINISTRY TO GRANT CDE ALBIE SACHS PERMISSION TO ATTEND OUR MEETINGS IN LUSAKA.

The following draft is suggested:-

"The Honourable Minister of Justice,
Ministry of Justice,
MAPUTO.

Your Honour,

re: ATTENDANCE BY CDE ALBIE SACHS OF CONSTITUTION
COMMITTEE MEETINGS

Cde Albie Sachs is a rapporteur of the Constitution Committee, established by the African National Congress to advise on constitutional matters that have come to the fore at the present stage of our revolution.

We respectfully request permission for Cde Sachs to absent himself from his official duties to attend meetings of the constitution committee in Lusaka as and when required.

We do not anticipate the meetings to be held more often than one in two months and undertake to specify dates that will meet the requirements of your Ministry.

I remain yours respectfully,

A. Nzo
Secretary-General"

3. Memoranda and other documents have been received:-

- (a) David Chapman of the Institute for Social Inventions, London on "Electoral System for South Africa";
- (b) Michael J. Davis of the Foundation for International Conciliation.

The Constitution Committee circulated comments on the memoranda and documents among members of the NEC, however replies should be sent by the ANC to these organisations, in particular. The Foundation whose representatives met members of the NEC including S.G. and T.G. in Lusaka.

In the case of David Chapman we suggest the following reply:

"Nicholas Albery,
(Chairman),
The Institute for Social Inventions,
74 Freston Rd.,
London W11 4 B H.

Dear Sir,

re: ELECTORAL SYSTEM FOR SOUTH AFRICA BY DAVID CHAPMAN

The ANC National Executive has carefully considered the proposal for proportionate representation contained in the memorandum by David Chapman and is emphatically of the opinion that the scheme outlined will entrench the dominant political and economic interests of the white minority thereby defeating the aims of the South African revolution for social justice, equality and democratic government.

Thank you for your contribution.

Yours truly,

A. Nzo
Secretary-General"

In the case of the Foundation for International Conciliation we suggest the following draft:-

"The Director,
(Michael Davis),
Foundation for International Conciliation,
No. 2 Rue Bellot,
1206 Geneve,
Switzerland.

Dear Sir,

re: OUR RESPONSE TO THE WORK OF YOUR ORGANISATION

We refer to our meeting with the representatives of your Foundation for International Conciliation, early this year.

We have considered your proposals in the light of comments from within South Africa and elsewhere, for instance, Australia.

Our representative in the latter country told us that your Foundation in meetings with representatives of the Australian government has claimed to have had approval of the ANC for investigation of its Constitution for a future South Africa.

This is not so, the National Executive Committee of the ANC is not in a position to approve or disapprove at this stage, we need more information about the work of your organisation in South Africa by direct contact or by means of written report before we can arrive at a definite conclusion.

With warm regards,

A. Nzo
Secretary-General"

4. Talks of talks about Constitution

Our Committee is generally aware of meetings and consultations as for instance the Eminent Persons Group in South Africa and outside.

We do our best to follow these events by examining reports in the press and journals, but should like to have access to more authoritative sources which we assume are available to the NEC.

We shall be grateful if material of this kind can be made available to us to study and report.

We assure you that the principle of confidentiality will be strictly observed.

5. What is the scope and content of our activities

We are glad to have your assurance that our Committee should take an initiative in conducting research into constitutional developments affecting our movement and act in this capacity as the eyes and ears of the NEC.

We shall re-orientage our work accordingly by making contact with specialists and interested parties inside the country and elsewhere

for opinions and information regarding constitutional developments both among supporters of our struggle and its enemies.

For this purposes it is necessary to make physical contact with persons from S.A. who have special knowledge of matters falling within the range of our mandate.

We understand that the NEC will approve of such contacts and authorise expenditure involved.

Our Committee will naturally keep you informed of the discussions and decisions taken, if any.

Strengthening of the Legal Dept. (DLCA) Secretariat

In pursuance of the request by the Legal Department for the strengthening of its Secretariat, which was approved by the NEC through the S.G., the Secretariat has since met and agreed that Cde Stanley Mngadi, presently in Mazimbu, who studied in Bulgaria should join the Secretariat as Research Officer, with special emphasis on present legal and constitutional developments in South Africa. Meanwhile we request the NWC to facilitate this coming to Lusaka while we look into the question of his accomodation.

Further the volume of the work of the department has increased so much that it has become necessary to increase the secretarial services and personnel servicing the department and the constitutional committee. This has further been aggravated by the pending departure of Cde Leeuw Ramafatse for medical treatment and further technical upgrading. We sincerely request the NWC and the S.G.'s Office to assist us in whatever manner possible in this matter.

In the Year of MK,

Maatla - Amandla.

Z.N. Jobodwana *Z.N. Jobodwana*
Secretary
Constitution Committee

c.c. Cde O.R. Tambo - President ANC (SA)
" Ruth Mompoti - NEC Secretariat
" T.T. Nkobi - Treasurer General
" J. Stuart - ECC Secretariat

AFRICAN NATIONAL CONGRESS
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