## Historic meeting on

THE idea of a lawver's conference on South African issues first arose at the Dakar conference in July 1987. Dr Van Zyl Slabbert of IDASA lent his support and after many meetings both here and abroad, and a lot of prepwork, aratory some 30 South African lawyers, mostly Afrikaans speaking academics, met with members of the ANC (mostly lawyers by training) and with some Zimbabwean legal academics and lawyers in Harare from 31 January to 4 February. The occasion was for-

(Left to right): Prof G. Lubbe of the Faculty of Law at Steller University; Prof Marinus Wiechers of the Law Faculty at UNISA, Maduna of the ANC and Prof Dawid van Wyk of the Dept of Cotional Law at UNISA.

# ANC constitutional guideling highlight of debate

mally hosted by the law faculty of the University of Zimbabwe.

On the agenda appeared issues such as the basis of private law, the land question, the administration of justice, legal education, labour law, customary law, the role of precedents and several constitutional law matters. A number of papers dealing with the socio-economic

same time, however, it is argued by many that the courts and the law will have to play a central role in a post-apartheid South Africa. Many critics of the present state of affairs, for example, argue in favour of a bill of rights and for judicial review as part of the solution. But can such concepts simply be grafted onto the existing system?

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#### From Page 1

## Harare: debate must go on

be, it becomes crucially important to have meetings of this kind. It is already an important sign of hope that people are prepared to engage in this type of activity. In a divided society the opposite can quite easily happen — as it has happened before in many other countries. But it is also important to realise that time is of the essence and that the danger of increasing polarisation and violence is a very real one.

The discussion of a future constitutional dispensation produced one of the highlights of the conference. Those of us who have attended the meeting in Dakar in July 1987 could this time notice the progress and the refinement with respect to issues such as a bill of rights, judicial review, protection of human rights, the independence of the judiciary and a multi-party system. A serious debate about these matters have in the meantime taken place within the ranks of the ANC and their constitutional guidelines have recently been published.

We could, however, also come to understand that constitutional devices do not provide final answers in themselves. They can never be divorced from the relevant political context. If, for example, white South Africans would focus exclusively on minority protection through a bill of rights as their only future guarantee, the unfortunate result can quite easily be that they are again being singled out, instead of becoming part of a new nation. The expectations that black South Africans in general entertain must be squarely faced. New economic, social, educational and other needs will have existing a future par was the I the early ture" is v to cope v present strengthe

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such as this one is not limited to the formal discussions. We had opportunity for many private discussions, meetings with diplomats from countries covering the whole spectrum from Cuba, Iraq, the GDR and India to all the Western countries represented there. The interest shown in the conference was striking, especially against the background of the official policy to boycott the South African government. The interest in South Africa, the realistic understanding of its probiems and the general desire for a peaceful solution stand in stark contrast to most of the local "news"

The concluding address was delivered by Chief Justice Dumbutshena. His account of the track record of the Zimhabwean courts and his emphasis on the need to protect the individual against the state.

would have reassured many a South African. One could not, however, miss the irony that very little of that is being practised at present.

During one of the preparatory meetings preceding the conference had to explain its purpose to a senior member of the Zimbabwean administration. He was very supportive of the idea and mentioned that black and white Zimbaweans never worked together in such a manner before their independence. He encouraged us to learn from their expenence and to start building our new nation and society now. Hopefully this conference made a contribution in this regard.

> Gerhard Erasmus, Professor Public Law at the University of Stellenbosch



Comrade M Noute (SWAPO), Mr. N. Storaus (BASA), Prof.N. Steytler of the Law Faculty at the University of Natal and Ms. Texas Marcus ANC).



Prof Laurens Ackermann of the University of tollenbosch and Ms Phyllis Naidon of the constitutional committee of the ANY discussing capital punishment.





Prof Reg Austin, Dean of the Faculty of Law at the University of Zimbabwe. with the Minister of Justice, Mr E. Mnangagina.

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THE participants conference in Ha agreed to the fo nique.

The conference opened by the Z ister of Justice. mentary Affairs, Mnangagwa who ofter the opport who are frequent) damental decisio front, in advance facing South Af transition from a

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