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Following are remarks by Columbia President Michael I. Sovern Thursday, Sept. 28, 1989, at a conference at the University held by Columbia's Center for the Study of Human Rights on developing a constitution for post-apartheid South Africa.

CONFERENCE ON POST-APARTHEID CONSTITUTIONAL RIGHTS

Thursday, September 28, 1989

Thank you, Jack (Greenberg). Let me begin by offering Columbia's warmest welcome to our distinguished guests. Ladies and gentlemen, we are delighted to have you on campus this week. It is quite possible that some day the people of South Africa will look back upon this conference as the prelude to democracy, the moment when the foundation was laid for a constitutional convention. We are honored that you make history at Columbia.

I doubt that the government in Pretoria can fully comprehend the giant leap you are taking into the future. The snail's pace with which that regime lumbers toward a just society reminds me of the lawyer, a conscientious executor of an estate, who, on going through the deceased's papers, comes upon a receipt from a shoe repair store dated 26 years earlier. Faithful to his trust, the executor decides to go to the shoe store: he walks in, shows the 26-year-old receipt to the proprietor, and asks: "Can you tell me about these shoes?" After a few moments of checking, the proprietor returns and says: "They'll be ready tomorrow."

Tomorrow and tomorrow and tomorrow. Are Mr. deKlerk's vague pronouncements merely reminiscent of Mr. Botha's "Manifesto for a New South Africa" four years ago? It is too early to tell, but we do well to remember George Orwell's caveat that most "Political language. . .is designed to give an appearance of solidity to pure wind."

Yet it is important, as you know better than I, to take note of acts of flexibility in Pretoria. They are worth examining and made the most of. To do so, one need not mistake Pretoria's compromises for moral conversion. They simply reflect a minimal appreciation of the urgent pressures of reality. A great political zoologist, Adlai Stevenson, once observed that "The human animal is peculiar. It seems unable to read the handwriting on the wall until its back is against it."

Archbishop Tutu has noted that because of censorship, people outside of South Africa often know more about what is going on there than those most directly affected. We learn again and again that countries whose newspapers are full of good news are often countries whose jails are full of good people.

Unfortunately, the television black-out has succeeded in dimming the imperatives of South Africa in the consciousness of most Americans. Many of my countrymen know that brutality is rampant in South Africa, but they have not lately seen it with their own eyes. In the age of television, censorship can be chillingly effective.

I hope this conference will help to refocus American attention on South Africa, not only on the current struggle but on the future free nation as conceived here by men and women of vision. If South Africa is to become a just nation, all of its people should enjoy the kind of protections you have been hammering out at this conference. In the memorable words of our Declaration of Independence, "all men," and I would add women, "are created equal and endowed "with certain unalienable Rights. . ." It will be a high test of statesmanship to proclaim racial equality for the very minority that has denied it to the majority and even embodied racism in the legal fabric of the nation.

I do not intend to preach to the faithful. Nor do I intend to demonstrate -- for I cannot -- that America has achieved its ideals of racial equality even as we stand two years away from the bicentennial

of our Bill of Rights -- and 126 years after the Emancipation Proclamation. We in America struggle and stumble, but we do remain optimists at heart, enduring believers in the dream of equal opportunity, daring to hope that, ultimately, just as the world watched the awesome dawn of our government of the people, by the people, and for the people, so will we prove worthy to help others find the way to a free and fair interracial society.

Alan Paton was right. "The Americans," he said, "especially the self-righteous ones, can thank God for their Constitution and their Bill of Rights and their Supreme Court, which can compel them, and has compelled them in the past, to do better. We (in South Africa) have no such instruments. We who have resisted apartheid ... for the greater part of our lives have to rely on our own resources."

South Africa does, of course, have instruments, but they are not the kind Mr. Paton wished for. There is the South African Constitution of 1983 which avowedly moved toward racial equality by putting representatives of the so-called Coloreds and Indians in a segregated parliamentary chamber, but, in fact, reinforced apartheid by keeping the vast majority of South Africans out. And a whole array of

legislation and regulation adds up to the most systematic abuse of law to outlaw a people since Hitler's Nuremberg Laws.

No, I do not think the rulers of South Africa have much to teach you. But you have much to teach them. Indeed, you have the opportunity to improve on the founding documents of the American Republic. They, after all, forgot about women and accepted slavery.

I know that many believe it futile to formulate a bill of rights and prepare for a new constitution until there are free elections in South Africa. Voting rights are obviously of vital importance.

It seems to me, however, that what you are accomplishing this week could not be more timely in the step-by-step process of fundamental change. Anticipating a future post-apartheid society does not preclude pressing today demands to lift the State of Emergency, to free Nelson Mandela, and to remove the ban on the African National Congress.

And the demand that a national constitutional conference be convened gains credibility from your work. Your papers and

discussions may be a precursor to world recognition of such a convention as the beginning of a responsible, reasoned transition to democracy, a democracy in which human rights are a central concern.

What can American universities do to help? First, by providing an education that is moral as well as intellectual, we can help our students understand that every individual matters, that racism is unacceptable and must be resisted.

At Columbia we are still proud, after all these years, of our earliest alumni -- statesmen like Alexander Hamilton, John Jay and Robert Livingston, who played critical roles in the shaping of our own government.

We are equally proud to count among our prominent alumni a brilliant public figure who received his B.A. from Columbia in 1906, Pixley Seme, principal founder of the African National Congress. And our pride in him goes back a long time -- Columbia awarded him an honorary doctor of laws degree in 1928.

Another Columbia graduate was the principal author of the Constitution of India -- Bhimrao Ambedkar. And this past April, I had the pleasure of greeting the President of the Constitutional Council of the French Republic, Robert Badinter, a Columbia graduate and an illustrious participant in the Center for the Study of Human Rights' conference on the French Declaration of the Rights of Man and of the Citizen.

Just as important, our graduates are working for Amnesty, the International Commission of Jurists, and scores of governmental and private agencies that help further international human rights. Many of those people began their work before graduation, as have the seventy-three human rights interns who fanned out from Columbia Law School this summer, half of them overseas, four in South Africa. Our Medical School also participates, sending young doctors overseas, immediately upon graduation, to work with human rights groups.

This is all pro bono work but that does not keep it from being highly professional. A good many of the papers our student interns have written for human rights agencies have become influential reports.

We do not create such students, though we do not hesitate to take credit for them. They come here, many of them, because of their interest and commitment, not only to the Law School but to the School of International and Public Affairs, where they can specialize in human rights as part of the master's degree program.

They come here because for generations Columbia has been the home of great scholars and leaders in the field -- professors like Lou Henkin, Oscar Schachter and Jack Greenberg. But, of course, there are no professors quite like Lou Henkin, Oscar Schachter and Jack Greenberg. When they aren't in the classroom, they are often overseas, working with and establishing public interest groups, in South Africa and elsewhere, as you know. And another generation of teachers is coming up -- many of the younger faculty involved in this conference -- new minds with fresh approaches.

We are, I confess, deeply moved that Desmond Tutu refers to Columbia as "my university." He has said that we honored him, in his words, "when it was not entirely fashionable to do so." His honorary degree came two years before he won the Nobel Prize and became

widely known in America. In fact, the South African government would not allow him out of the country, even to come to Columbia Commencement to accept his degree. All of Columbia and New York, and we hoped Washington, focused on the empty chair we placed for then Bishop Tutu at Commencement that year. We later traveled to Johannesburg and presented Desmond Tutu with his Columbia degree at the University of the Witwatersrand.

This obviously does not exhaust the possibilities of what can be done -- and more needs to be done -- by American universities. We are working, for example, to bring more and more refugees and black students from South Africa to Columbia, and I hope other universities will do likewise.

It seems to me that as important as what students do and professors teach is what a university stands for. It was in that spirit that we decided to divest our endowment of holdings of companies in South Africa. A university can foster courses in ethics, it can marshall its students in morally rewarding pursuits, but to little avail if the institution itself does not set an example.

Universities can do something else that few other institutions can. We can provide a forum for the future. This conference of active intellectuals -- academics and businessmen, lawyers and political scientists, men and women of many professions, half from South Africa, half from other nations -- has done something remarkable and quite radical: You have been able to look forward to that time when South Africa has rejected apartheid -- and move on from there.

It is a theme that Jack Greenberg has been dealing with in his Law School seminar of which this conference is the outgrowth. It is an idea that the Center on Human Rights and the Law School wisely proposed as the subject of this conference. And this week's fruitful discussion is a healthy sign that the prophesy will come true. To imagine the constitutional future of South Africa, transcending the bloody backdrop of these past years -- let alone discuss it in expert detail -- is an inspiring achievement.

I thank you for that accomplishment, for the quality of your participation, for your commitment to the goals of this conference, and for the hope you bring to the struggle. Thank you.