

The National University of Lesotho which endeavours daily both to transmit and to extend the frontiers of knowledge has, by this award of the honorific title of Doctor of Laws, decided to admit into its learned ranks no man more worthy than NELSON ROLIHLAHLA MANDELA.

Linked to two legal systems, Nelson Mandela is both an accredited officer of the courts of his land and was born into the guardianship of the traditional jurisprudence of his people. Had he practiced in both, circumstance permitting in possibility to do so either jointly or in succession, he would surely have acquitted himself brilliantly. Yet at his demise, Nelson Mandela would arguably have passed like most of us, into oblivion, mourned briefly, remembered briefly and forgotten perpetually.

By incarcerating him for life on Robben Island his jailers had hoped that his people, the people of Lesotho and the world would forget him perpetually while he still lived. Yet children unborn when he was imprisoned have rallied in their thousands and faced the murderous bullets of apartheid rule, proclaiming the name and example of Mandela. Already while his heart beats strong and resonant, Nelson Mandela's name has become synonymous with freedom for Africa and the world.

Scion of the Thembu royal house in the Transkei, there lay before Mandela the prospect of comfort and ease. He could have taken the easy walk, accepted the alienation of the land of his forefathers, the fragmentation of his country and the loss of his birthright as a South African - a walk which could have led him to-day to a position of empty authority and status created and buttressed by the conquerors of his country, an administration of apartheid law and one who moulded his people's future and destiny at Pretoria's behest. Some have chosen thus.

But the man whom the National University of Lesotho has chosen to honour as a Doctor of Laws rejected this path. He refused to sacrifice his dignity as an African and his integrity as a free man.

Rejecting the choice to be an administrator of Apartheid Law, Nelson Mandela chose to recognise a different and a superior legality; a principled position which as he said himself, led him to be an outlaw.

Speaking on his own defence when he was arrested and charged in 1962, Mandela said:-

"I was made, by the law, a criminal, not because of what I had done, but because of what I stood for, because of what I thought, because of my conscience. Can it be any wonder to anybody that such conditions make a man an outlaws of society? Can it be wondered that such a man, having been outlawed by the government, should be prepared to lead the life of an outlaw, as I have led for some months according to the evidence before this court?"

As we can see Mandela raised the fundamental question which inevitably arises in all unjust societies, the question of the relationship between individual conscience and the existant law. Against what did Mandela's conscience rebel? Here is what he himself said in the same trial of 1962:-

"I hate the practice of race discrimination, and in my hatred I am sustained by the fact that the overwhelming majority of mankind hate it equally. I hate the systematic inculcation of children with colour prejudice and I ~~am~~ sustained in that hatred by the fact that the overwhelming majority of mankind, here and abroad, are with me in that.

I hate the racial arrogance which decrees that the good things of life shall be retained as the exclusive right of a minority of the population, and which reduces the majority of the population to a position of subserviance and inferiority, and maintains them as voteless chattels to work where they are told and behave as they are told by the minority. I am sustained in that hatred by the fact that the overwhelming majority of mankind both in this country, and abroad are with me."

Confronted by his own conscience which led Mandela to this hatred of anything that was unjust and undemocratic, to the hatred of racism apartheid and colonialism, Mandela posed to himself a number of questions, questions which the oppressed people of South Africa pose to themselves daily. He asked:

"In the face of the complete failure of the government to heed, to consider, or even to respond to our seriously proposed objections and solutions to the forthcoming republic, what were we to do? Were we to allow the Law which states that you shall not commit an offense by way of protest, to take its course and thus betray our conscience and our belief? Were we to uphold our conscience and our beliefs to strive for what we believe is right, not just for us, but for all the people who live in this country, both the present generation and for generations to come, and thus transgress against the Law? This is the dilemma which faced us and in such a dilemma, men of honesty, men of purpose, and men of public morality and of conscience can only have one answer. They must follow the dictates of their conscience irrespective of the consequences which might overtake them for it. We of the Action Council, and I particularly as secretary, followed my conscience.

If I had my time over I would do the same again, so would any man who dares call himself a man.

But could a man, himself an officer of the judicial system of the country, having taken these positions, justly claim a continuing right to remain such an officer? Mandela expressed his own view in the following words:-

"I regarded it as a duty which I owed, not just to my people, but also to my profession, to the practice of Law, and to justice to all mankind, to cry out against this discrimination which is essentially unjust and opposed to the whole basis of the attitude towards justice which is part of the tradition of legal training in this country. I believed that in taking up a stand against this injustice I was upholding the dignity of what should be an honourable profession."

It is of some interest that in 1953 the Supreme Court of South Africa agreed with Mandela that in participating in the campaign for the Defiance of unjust Laws in 1952, he had been within his rights as an attorney and that there was nothing dishonourable in an attorney identifying himself with his people in their struggle for political rights, even if his activities should infringe upon the laws of the country. Mandela's own argument however, is that it is in fact only by infringing these laws that justice can be done and honour of the legal profession upheld.

Mandela combined his astuteness as a legal practitioner with his dynamism as a political leader of the national organisation of the people of South Africa - the African National Congress. The President of the African National Congress, Oliver Tambo has said of his legal partner and political colleague "Mandela was perhaps the fastest to get to grips with the harsh realities of the African struggle against the most powerful adversary in Africa, a highly industrialised, well armed state manned by a fanatical group of white men determined to defend

their privilege and their prejudice." Of his role within the ANC, President Tambo said: Nelson was a key figure in thinking, planning and devising new tactics.

Organiser, strategist and tactician, dedicated and fearless fighter, Nelson Mandela's magnetism brought him the love of his people and the wrath of his enemies. He utilised every occasion to speak for the oppressed people. He articulated their demands, helped to provide the organisation and the means to achieve them and inspired the masses with his conviction in the inevitability of the victory of our just cause.

His speeches, articles and documents drafted in his capacity as an official of the African National Congress are historical documents of record. They report the unrelenting struggle of the people. They reveal a mind with a breadth of vision and a profound understanding of the nature of South African Society.;

It was from this understanding that Nelson Mandela embarked upon the course that has led him and many of his closest colleagues-in-struggle to Robben Island. He faced the hard fact that fifty years of struggle had brought the African people nothing but more and yet more repression and fewer and fewer rights. Violence of the oppressive white minority state against the oppressed majority had become a feature of the South African scene, and for the African people there was no longer any alternative but to take up arms. Under the leadership of the African National Congress they have done so - not by choice but because they had no choice.

Inevitably Mandela's actions brought him before the courts and finally to life imprisonment. The world however has judged the oppressors guilty and the system of apartheid itself a crime against humanity. Apartheid that seeks to place shackles upon the mind and menacles upon justice could not tolerate a free Mandela whom they could not intimidate, who declared that whatever the penalties imposed he would serve his sentence and resume his struggle.

For 17 years now they have imprisoned him and for a decade before they had sought to silence him. It is both an indictment and condemnation of the system of apartheid and of its servitors that a man of such talent, of such breadth of vision and profound understanding of present-day South African society and of such humanity is denied the possibility of being with his people and here to speak to all of us.

But Dr. Nelson Rolihlahla Mandela although unable to address us in person to-day, has earned himself a permanent place in the annals of the history of the whole of humanity. His deeds as a fearless defender of genuine democracy and ^{social} justice speak much louder than words.