

AFRICAN NATIONAL CONGRESS

DEPARTMENT OF LEGAL AND CONSTITUTIONAL AFFAIRS
P.O. Box 31791, Lusaka, Zambia. Telephone 219656/7 Telex 45390
217665

Our Ref: 4th June, 1987.

Your Ref:

The President

ANC(SA)

LUSAKA.

Dear Cde President

Re: Formation of a National Trust

For a long time now the Movement has had to rely on organisations such as the SACC and the IDAF for the defence, education and general welfare of political prisoners and their dependants. Unfortunately, though the ANC has been in the forefront in the campaigns for funds from these organisations, these organisations are not accountable to it in terms of their operations and they tend to treat and regard it as one of the anti-apartheid organisations. In this regard they are being unrealistic as the stature and authority of the Movement inside and outside South Africa has risen greatly over the decades since it was banned by the regime.

We have also been inundated with complaints about the inadequacy of the services of the SACC regarding the defence, education and general welfare of political prisoners and their dependants. We will not reiterate the complaints in this letter, suffice it to say that there are very serious allegations levelled against the SACC by our people and their lawyers.

In the light of all this, the South African lawyers we met recently discussed with us the idea of setting up and registering a trust that will handle these matters. It should be emphasised that this is not to compete with the organisations we have referred to above, but will serve to complement their work and efforts.

Our department supports the issue. Our idea is that the trustees should not be lawyers only but will have to come also from the ranks of progressive lawyers, trade unions and popular mass-based organisations. We all agreed on this at the meeting.

We discussed with the lawyers the possibility of the regime using the provisions of the Affected Organisations Act of 1974 (which would prevent the trust from mobilising external financial resources) and the Fund-Raising Act of 1978 (which require that those who seek to raise funds should be authorised thereto by the regime), against the trust. They said they did not foresee any problem in this regard and they would look into the pros and cons of the whole idea and report to us soon.

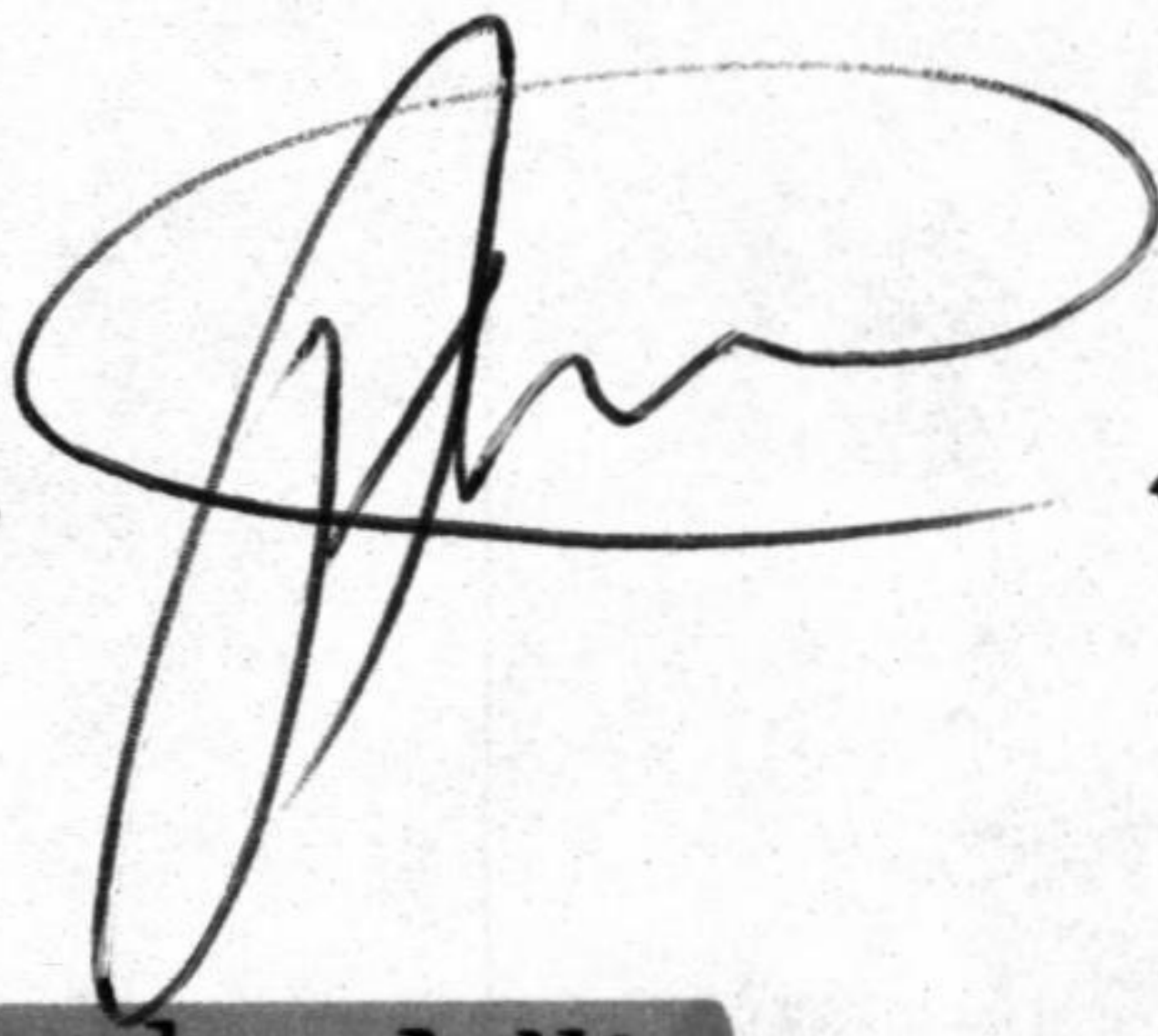
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We have herewith enclosed a copy of the memorandum we requested the lawyers to prepare in this regard, for your perusal. We believe the issue warrants urgent discussion and we shall be available for the purpose at your earliest convenience.

In the Year of Advance to People's Power!



Zola S.T. Skweyiya.
Chairperson



cc **Secretary General - A. Nzo**

Treasurer General - T. Nkobi

E.C.C. - J. Stuart

P.M.C. - J. Jele

AFRICAN NATIONAL CONGRESS
(SOUTH AFRICA)
DEPT. OF LEGAL AND CONSTITUTIONAL AFFAIRS
P.O. BOX 31791, LUSAKA, ZAMBIA.

MEMORANDUM TO:

Department of Legal and Constitutional Affairs.

Dear Comrades

We refer to ~~the~~^{the} minutes of your recent meeting with representatives of ~~teh~~^{the} the alliance of Democratic Lawyers and wish to confirm that it has been proposed that a National Trust Fund be set up. For obvious reasons the title of such a fund must be descriptive of its nature so as to avoid undue suspicions on the side of teh enemies of freedom.

After consultation with other members of the alliance it has been agreed that to float the idea of such a trust we must already have an indication of what we want to set up. Thus the tentative agreement is that we establish a trust called The National Trust for Legal and Social Services (NTLSS).

The object of this trust shall include:

- (1) to provide legal welfare, educational services.
- (2) to develop self-help projects and home industries among members of disadvantaged communities.
- (3) to promote research, national and international dialogue
- (4) to promote research into humanitarian law and comparative and international law.
- (5) to promote comparative research into constitutional different models
- (6) to provide extra-mural and remedial tuition to members of disadvantaged communities.
- (7) to provide facilities for teh promotion and advancement of the cultural heritage of disadvantaged communities.
- (8) to provide legal and social services in the public interest.

The projects already on the agenda appear in the attached second memorandum.

MEMORANDUM TO THE DEPARTMENT OF LEGAL AND CONSTITUTIONAL AFFAIRS.

Dear Comrades

After exhaustive and instructive discussions with you, the Progressive Alliance consisting of representatives of the DLA and DLC found a fortification for the view that there is an urgent need for members of the helping professions, viz. lawyers, social workers and medical doctors to employ their services not only for commercial but also for humanitarian purposes. The proposed Consultative Council (hereinafter called the CC) of the progressive alliance has identified areas in which members of the helping professions can and should render the desired humanitarian services.

The models proposed in this memorandum already exist in one form or another within the ranks of the progressive alliance. Fortunately, the DLC representative had at hand some documentation that broadly represents the structures agreed upon by the CC for the implementation of their proposed humanitarian projects.

The proposed projects shall run under the umbrella of the National Institute for Public Interest Law and Research which shall create a network of centres throughout the country. The proposed centres are enumerated below and followed by the description of their services.

1. Centre for Legal Services and Welfare

Functions of such centre shall include see paragraphs 2-2 -2-3 of memorandum on the National Institute for Public Interest Law and Research.

1.2. Prisoners Care Services

- 1.2.1. to develop recreational, health and social services programmes for prisoners and detainees.
- 1.2.2. to organise a pool of community services for the welfare of prisoners and detainees.
- 1.2.3. to develop small industries or self-help projects to generate income for the families of detainees and prisoners
- 1.2.4. to provide on-call medical, social and legal services for detainees and prisoners .
- 1.2.5. to develop manpower for social, legal and medical services
- 1.2.6. to develop and educate the people on the social security, medical and legal rights
- 1.2.7. to campaign for the recognition and enforcement of prisoners and detainees rights to medical, social and legal services of their choice.
- 1.2.8. to develop rehabilitation and reintegration programmes and for opportunities of former prisoners and detainees.

- 1.2.9. to determine the needs of detainees, prisoners and members of their families
- 1.3.0. to form a national committee against torture which will campaign for then abolition of the death penalty especially in politically motivated crimes
- 1.3.1. to conduct research on the rights of women and children in deetention
- 1.3.2. to conduct research on torture and structural violance
- 1.3.3. to provide consultancy services on alternative local, regional and national constitutional systems
- 1.3.4. to conduct research on human and peoples rights
- 1.3.5. to conduct seminars on labour law, women and children's rights
- 1.3.6. to develop alternative educational programmes
- 1.3.7. to educate the people on principles of popular governments and national unity
- 1.3.8. to provide legal and social services in the public interest

The projects on the agenda appear in the attached memo.

On the Strategy for the takeover of Nadel in the next election.

The progressive alliance believes that Nadel is merely in the hands of the conservative alliance because they command massive resources. In order to take over control in the next (or second) elections the former alliance must adopt the following programme of action:

1. expand the alliance into all four provinces
2. refrain from disbanding as the constitution provides for affiliate membership and the conservative alliance betrayed us and refused to form branches in terms of unitary democratic structures.
3. develop branches of the already existing progressive bodies in the Eastern Cape, OFS which are the two areas in which the progressive alliance lacks basis.
4. establish the projects herein proposed countrywide before the next election of a new NEC
5. employ at least one loyal counsellor (or attorney) and several articled in major centres of these our legal services centres as they would qualify for the membership of Nadel.
6. update membership lists and go into the next elections with a majority in the general council which is a body qualified to elect the NEC.
7. that regional legal and social services funds be established to facilitate the required travelling, to set up and organise legal services centres and strengthen the branches of the progressive alliance.
8. that the regional legal and social services funds be put into operation even before the setting of the National Legal and Social Service Fund.

Thus

The proposals for the establishment of a network of legal and educational centres under the auspices of the National Institute for Public Interest Law and Research form the bottom line for our strategy for the takeover of and control of "Na"del (ie. SADEL) by the progressive alliance.

Note that the concept Nadel is an insult on all patriotic South Africans. It is meant to be a reminder to the democratic movement at home and abroad that it does not even know its identity. This must be put to a stop immediately. Hence the 1-2 plan proposal by the

THE NATIONAL TRUST FOR LEGAL AND SOCIAL SERVICES (NILSS)

The objects of the trust shall include the following:

- (1) to provide legal, welfare, educational services
- (2) to develop self-help, home industries among members of disadvantaged communities
- (3) to promote research and national and international dialogue
- (4) to promote research into humanitarian law, comparative and international law
- (5) to promote research into different constitutional models
- (6) to provide extra-mural and remedial tuition to members of disadvantaged communities

CENTRE FOR LEGAL AND CONSTITUTIONAL RESEARCH

A new era dawned in South Africa at the beginning of the 1980's. This era ushered a question that goes down to the root of the South African Society, if not, all human societies, viz, what is the basis of the legitimacy of governments.

At the beginning of 1984, progressive forces throughout the country began to set up what came to be known as alternative administrative structures or organs of peoples power or government while the racist regime was busy with its search for other racial models such as local authorities, regional councils and so-called National Statutory Councils.

Different organisations have been set up either as fronts or extensions of the apartheid government to help in the search of other racial models which can disguise apartheid. One such model is the consociational democracy based on the Calvinist group rights ideology as opposed to human and peoples rights.

There is no doubt in our mind that all these schemes are designed to occupy the democratic forces for national liberation and self-determination with useless schemes designed to reform apartheid and secure the title of the imperialists and colonist rights to 67% of the land and 90% of the productive capacity.

We are therefore convinced that there is an urgent need on the part of the progressive legal scholars in and outside of our country to develop an intensive research on a constitutional model based on the Freedom Charter which is the only document which embodies tested aspirations of the "people of South Africa as a whole", that is, it is based on the principle of freedom, national self-determination and independence.

The proposed research programme should include:

1. Comparative research into concepts of law, justice, human and peoples rights
2. Comparative research on Western, Eastern and African Constitutional models
3. Conduct comparative research on local, regional and national organs of government
4. to educate the people on the nature and operations of popular (or peoples) organs of local and national government
5. to develop internship programmes for students
6. to develop internal and external scholarship programmes for students
7. to conduct research into manpower needs of a free and independent society

CENTRE FOR EDUCATION AND RESEARCH

The centre shall conduct research into and hold seminars on:

- (1) Law and culture
- (2) Law and racism
- (3) Law and religion
- (4) Law and women
- (5) Law and children
- (6) Law and medicine

CENTRE FOR HUMANITARIAN, COMPARATIVE AND INTERNATIONAL LAW

This centre shall conduct comparative research into

- origins and nature of Humanitarian and International Law
- comparative jurisprudence
- comparative law
- educate the people on universally accepted humanitarian standards and values

The crisis facing our country compels the progressive alliance to develop and implement these programmes immediately. Thus projects proposals will reach you in due course.