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Madison, WI 53705
Ph: (608) 231-2153
April 19, 1990
Albie Sachs
South African Constitutional Research Centre
Institute of Commonwealth Studies
27 Russel Square
London WC 1

Dear Albie,

Please find enclosed a copy of a Memorandum I have just completed for Zola on affirmative action. I hope it will prove useful, however I have asked Zola to identify specific issues which the department needs to have further researched. If you have any thoughts on specific issues which you think I should do further research on please let me know.

I will remain here in Madison doing research on a number of topics for the Department until the end of May. Thereafter I will be returning to Southern Africa. As you may have heard I was given permission to go home in early March and spent ten days visiting comrades on trial in Cape Town and speaking to lawyers about the possibility of working or doing research at home. Because it will take at least a year for me to turn my U.S. law degree into an LLB, which I need to work at home, I am trying to either join one of the community law projects as a research person, or to obtain funding so that I can continue to do full time research for the department at home. I have made contact with the University of the Western Cape and I'm waiting to hear whether they think I will be useful in their Community Law Project which is presently being established.

Ideally I wish to do research into the issue of Land law, with specific emphasis on land claims. You mentioned in Lusaka that you have a paper on land law, and I would much appreciate if you could send me a copy. When I was in Johannesburg I spoke to Fink Haysom and Edwin Cameron at the Centre for Applied Legal Studies and they suggested that if I was able to obtain funding for my research on land claims they would be prepared to give me an affiliation with the Centre and to provide me with office space in which to work.

Briefly, my aim is to produce research towards the creation of a constitutional and legislative framework to handle land claims. These would include claims to agricultural land -- within the Freedom Charter's meaning of those who work the land -- and range from specific community and individual claims based on the recent history of forced removals to other more historical claims held by communities. The idea would be to create a framework in which these claims may be recognized and ultimately counterposed to the claims of the present title deed holders.

With a range of competing claims there will be a need for a legal process through which these claims may be authenticated -- including the use of oral history and other forms of evidence â\200\224- and then the issue of compensation will have to be considered in a context in which more than just the present title holders have legitimate claims to compensation and/or use of the land.

Originally I had proposed to register for a Ph.D at the University of Zimbabwe in order to get back to the region and to do this research for our legal department. However, after February 2nd it became clear that I should reorient myself to conducting the research at home. As you will recall I was attending the ANC in-house workshop on the Political, Economic and Social Issues of South Africa's Rural Areas when I met you in Lusaka, and I hope to continue to work with the Agrarian Research Project on this issue. My concern then is to begin research on this area as soon as possible and I have been attempting to obtain funding here but discover that the various funding agencies here do not fund individual research projects.

Speaking to John Gerhard at the Ford Foundation I discovered that your institute is in the process of launching a series of research projects on a future constitution and I wondered whether there was any chance that my research idea could fall into any of the areas of research you are considering. I have taken the liberty of including a copy of the draft proposal and would appreciate if you could give me any guidance on this matter.

Until the end of May I can be contacted at the above address. A fax may be sent to me via my wife's department at the University here and addressed to:

Professor Gay Seidman
Sociology Department
Fax No. (608) 262-4747

Ideally I hope to be able to find a way in which I could continue to do full-time research for our legal department. I understand that the years ahead are going to be marked by an intensification of our struggle at home under very new conditions and I am looking forward to joining everyone at home.

If you think I could be of any use to your project please do not hesitate to let me know. I hope you are keeping well and look forward to hearing from you when you have the chance.

Yours Sincerely

Heinz Klug