

# Historic meeting on

THE idea of a lawyer'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 preparatory work, 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 formally 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



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

## ANC constitutional guidelines highlight of debate

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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# 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 to be met. The existing and future patterns of development was the basic "structure" is vital to cope with the present system. The transition to a new system will strengthen the

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