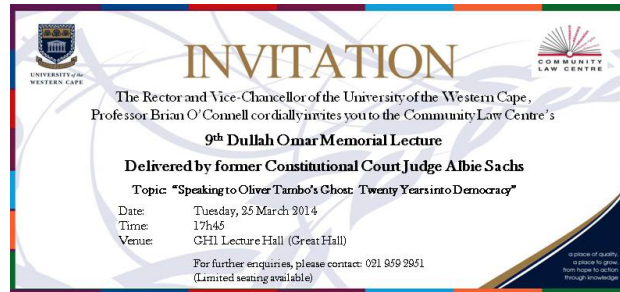


SPII reflects on “The 9th Dullah Omar Memorial Lecture”



Remembering How Far We Have Come!

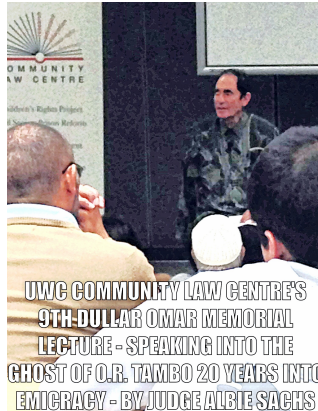


From Left: Dir. CLC Professor Jaap de Visser, Academic Dep. Vice Chancellor Prof. Ramesh Bharuthram, Former Constitutional Judge Albie Sachs, Sister of late Adv. Dullah Omar Ms. Rahmat Omar
Maeve Johnson

Photographs and Editing by CC Service to Your Success –

Constitutional Court Judge and guest speaker of the University of the Western Cape' Community Law Centre, Albie Sachs presented in the true tradition of African Storytelling.

“Speaking to Oliver Tambo’s Ghost”



Albie Sachs as the Great Storyteller

Photographs: UWC CLC, Maeve Johnson – Edited by CC Service to Your Success

“I hear that I am a great story teller and I’m supposed to ‘Speak to the Ghost of Oliver Tambo’. I’ve never liked ghosts and I don’t like talking to them.” (Albie Sachs; 9th Dullah Omar Memorial Lecture, 25 March 2014, UWC, CLC, WC, South Africa) Albie Sachs’s anecdotal humour soon had everyone engaged while introducing O.R. as a friend and a guide; encouraging social and economic justice towards realising and protecting fundamental human rights and democracy.

Albie Sachs shares Defining Moments with Oliver Tambo

1. Oliver Tambo Calls Albie Sachs

Albie Sachs receives a call from Lusaka from O.R. (Oliver Reginald) Tambo in the 1980’s. Their discussion speaks into the mission and vision of South Africa and what is

acceptable overt and covert operation behaviour. O.R who had been in Lusaka asked Albie Sachs, “**Can you come to Lusaka?**”

2. **Discussions: The Beginning of many turning points in South Africa’s transformation and transitions**

The telephone is the beginning of a turning point in South African history. Their discussion is about **the treatment of enemy agent protocol**. The following has been closely transcribed from Apple video footage filmed at the memorial lecture.

Transformational Questions

1.

Oliver Tambo: **What methods do we use?**

Albie Sachs: (*responds*) **According to International law standards, all enemy agents in covert operations may be captured and interrogated.**

2.

Oliver Tambo: **Is it permissible to use torture?**

Albie Sachs: *(replies to O.R.'s dread)* **No**

There is a dramatic lowering of Albie's voice, evenness, an extra long breath, he takes in everyone present...and then the defining moment of a visionary suspended in time...

Oliver Tambo: *(gravely admits)* **We used torture**

The **ANC** believed in *the fight for human rights*. It was the **core of the revolution**.

Torture is a serious human rights violation.

Oliver Tambo: (succinctly transcribed) **Can you come to Lusaka? Will you write a Code of Conduct for us?**

The conflicting paradigms led to the development of the Code of Conduct.

3. ANC Code of Conduct (COC)

O. R. Tambo further emphasised the need to **prevent the torture of enemy** agents and to ensure that all agents are held **accountable** for their actions. The international law governing the treatment of enemy agent protocol was clear, **“No torture”**.

Furthermore, Oliver Tambo ‘never wanted one entity to hold all the **decision making power**’. This viewpoint eventually **influenced all governing policies**. The COC written redressed the **‘methods of interrogation and ensured that ‘decisions were backed up and would follow a process’**. *Thereafter*, when asking, if it was permissible to use torture, the ANC’s decision was an **unanimous...”No!”** Oliver Tambo instructed Albie Sachs to present the COC.

4. A Democratic Human Rights Vision and Mission for the People of South Africa

The Constitution of South Africa

Oliver Reginald Tambo (O.R.T.) sets up a constitutional committee of the ANC. “We were working in Lusaka since 1985.” (Albie Sachs; Speaking to the Ghost of Oliver Tambo – UWC CLC 9th Dullah Omar Memorial Lecture) The aim was to write the **Constitution of South Africa**. O.R.T. “advocates for an extended **Bill of Rights”**.”

They are faced with the following challenges:

- **Opening negotiations**

- Not only **denounce Apartheid**, but also
- “**Envision a new South Africa *through the Freedom Charter*” by converting it into a *South African constitution*.**

“How do we convert the Freedom Charter into a South African constitution? Albie Sachs’s response was that “we physically cut and paste.” In spite of limited resources, the Constitution of South Africa is well written and constructed legal document.

The Bill of Rights (B.O.R.)

The Bill of Rights was integrated into the constitution of South Africa with the legal expertise of Albie Sachs and watchful presence of Oliver Tambo. The B.O.R. “**protects the fundamental rights of (all) the citizens of Southern Africa**” (The Constitution of Southern Africa, Ch2 Introduction to the Bill of Rights”).

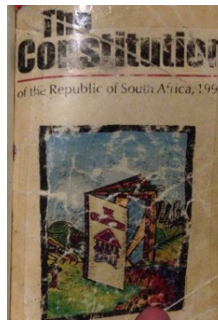
There were 3 Possible Models for the Constitution

- **Classical**
- **Liberal** e.g. Federal government (USA)
- **Democracy (SA)** was chosen because it best represented and included “all parties” and the people of South Africa.

5. The Constitution goes to print

The Constitution of the people of South Africa went to print as the most sought after document. Today, S.A.'s constitution is notably viewed in high regard as possibly the best model for human rights and democracy.

Below is a copy of the first print edition of the Constitution of South Africa that had been tweeted. The image went viral/public within seconds.



Photograph tweeted and edited by CC Service to Your Success

Together, the combined efforts of Oliver Tambo, Albie Sachs, Dullah Omar, staff at UWC's Community Law Centre (the brainchild of late Prof. Jakes Gerwel), Universities of Witwatersrand and Potchefstroom... and the people contributed to the formation of the Constitution of Democraticu South Africa.



Photographs
From Left:

Oliver Reginald Tambo (stock edited by CC), Dullah Omar and Jakes Gerwel (Benny Gool - UWC GH edited), Albie Sachs, Farieda Omar, Prof Jaap de Visser, Gladys Mirugi-Mukundi and staff of the UWC CLC (Maeve Johnson)

Photographs edited by Service to Your Success: Creative Communications.

SP11 reports on The Ninth Dullah Omar Memorial Lecture by Maeve Johnson © Maeve Johnson johnsonmaeve@yahoo.com

Conclusion

Oliver Tambo's efforts and initiatives met with success: Negotiations were successful. Apartheid was denounced. Democratic South Africa was realised through the Freedom Charter by converting it into the South African Constitution (with an extended Bill of Rights), a constitutional model and President Nelson Mandela, the first black president appoints Albie Sachs as a Constitutional Court Judge. **However, less than a year away from the first democratic National Elections when all S.A. people of colour cast their vote for the first time in history, *Oliver Tambo passed away.***

Albie Sachs's winged narrative at the 9th Dullah Omar Memorial Lecture conveyed Oliver Reginald Tambo as a humane revolutionary whose insights and initiatives will forever be etched in history; advocating for social and economic justice towards protecting the fundamental human rights and democracy of the citizens of South Africa.