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CONFERENCE ON:  
"CONSTITUTION-MAKING IN  
SOUTH AFRICA"  
24 - 26 MARCH 1991  
UNIVERSITY OF THE WESTERN  
CAPE

Conference Programme  
&  
Biographical Brochure

CONFERENCE ON:  
"CONSTITUTION-MAKING IN  
SOUTH AFRICA"  
24 - 26 MARCH 1991  
UNIVERSITY OF THE WESTERN  
CAPE

*Hosted by: Community Law Centre, University of  
the Western Cape and the National  
Association of Democratic Lawyers*

**Venue:** Library Auditorium, University of the Western  
Cape, Bellville, Cape

**Sponsors:** Community Law Centre, University of the  
Western Cape, National Association of  
Democratic Lawyers, National Conference  
of Blacks Lawyers and National Lawyers Guild

**Convened by:** Dullah Omar

**Co-ordinators:** Rushdy Siers and Mbali Mncadi

Sunday, 24 March 1991

## Registration, Welcome and Opening

15h00 - 16h00: Registration

### Welcome by Adv. Pius Langa and Response

Chair:

16h00 - 16h45: Overview of the Political Situation in South Africa

Speaker: Mr Thabo Mbeki, Senior National Executive Member of the African National Congress

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# Conference Programme

16h45 - 17h00

16h00: Registration

## SESSION 1

### Introduction To Constitution Making:

Chair:

18h30 - 19h00: Processes and Principles  
(Chair: Dullah Omar)

19h00 - 19h15: "The Resolution of Factional Disputes in a Constitutional Democracy"  
(Chair: Chris Pienaar)

19h15 - 19h30: "From Promise to Reality: Procedural and Structural Aspects of Democratic Governance"  
(Chair: M. G. M. J. van der Merwe, Jg)

19h30 - 21h00: Dinner  
21h00: Day 1 ends Official Welcome to UWC by the  
UWC Council



**Sunday, 24 March 1991**

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***Registration, Welcome and Opening***

15h00 - 16h00: Registration

***Welcome by Adv. Pius Langa and Response***

Chair:

16h00 - 16h45: Overview of the Political Situation in South Africa

Speaker: *Mr Thabo Mbeki*, Senior National Executive Member of the African National Congress

16h45 - 17h45: Discussion

18h00: *Refreshments*

***SESSION 1***

***Introduction To Constitution Making:***

Chair:

18h30 - 19h00: Processes and Principles:  
*(i) Adv. Dullah Omar*

19h00 - 19h15: "The Resolution of Factional Disputes in a Constitutional Democracy"  
*(ii) Prof. Charles Powell*

19h15 - 19h30: "From Promise to Reality: Procedural and Structural Aspects of Democratic Governance"  
*(iii) Lee Halterman, Esq.*

19h30 - 21h00: Discussion

21h00: Dinner and Official Welcome to UWC by the Rector: Jakes Gerwel

**Monday, 25 March 1991**

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**SESSION 2**

**Constitutional Change**

Chair:

09h00 - 09h15: Views on Rigidity - S.A. & American Experience  
*Arthur Chaskalson S.C.*

09h15 - 09h3: "A Mirror at Dawn: Reflections on the Retreat from Legalised Racism in the US & South Africa  
*Prof. Gerald Horne*

09h30: Response and Discussion

10h30: *Tea*

**SESSION 3**

**Bill of Rights, Promotion of Human Rights, Enforcement**

Chair:

11h00 - 11h15: ANC Draft Bill of Rights  
*Louisa Zondo*

11h15 - 11h30: Human Rights and South Africa  
*Prof. Winston Nagan*

11h30 - 11h45: Namibian Constitutive Process: Model for South Africa  
*Prof. Adrien Wing*

11h45 - 12h00: A Report on the Status of Language Rights of Non-English speaking people in the USA  
*Francisco Martinez*

12h00 - 12h45: Discussion

12h45: Lunch

## **SESSION 4**

### ***Institutional Change***

Chair:

14h00 - 14h15: Judiciary - Role, Composition, Democratising,  
Legitimacy, Representativity:  
*Bulelani Ngcuka*

14h15 - 14h30: Dismantling National Security State:  
*Heinz Klug*

14h30 - 15h30: Discussion

15H30: Tea

## **SESSION 5**

### ***Eliminating Inequalities and Poverty: Redistribution of Land and Wealth: Affirmative Action***

Chair:

16h00 - 16h15: Redressing Historical Injustices:  
*Prof. Albie Sachs*

16h15 - 16h30: The Land Question:  
*Mr Zola Skweyiya*

16h30 - 16h45: Preliminary Thoughts on Origins and  
Sources of the Concept and Conflict  
concerning Affirmative Action:  
*Prof. Cheryl Harris*

- 16h45 - 17h00: Employment Discrimination - Something's  
Blowing in the Wind:  
*Prof. Ron Griffin*
- 17h00 - 17h15: Affirmative Action: Historical and Current  
Perspectives:  
*Jeanne Mirer*
- 17h15 - 18h15: Discussion
- 18h30: *Supper*

**Tuesday, 26 March 1991**

**SESSION 6**

***Labour, Workers Rights***

Chair:

- 09h00 - 09h15: Workers Struggles:  
*Cheryl Corolus and Lucy Neyembe*
- 09h15 - 09h30: Union Democracy and Government  
Intervention:  
*Judith Chomsky*
- 09h0 - 09h45: Right to a Job: A Human Right:  
*Eric Sirotkin*
- 09h45 - 10h00: Discussion
- 10h00: *Tea*

**"Forces at Play"** a satire on the Constituent  
Assembly: Performed by the players of *Action  
Workshop*



## SESSION 7

### ***Gender Issues: Childrens Rights***

Chair:

- 11h00 - 11h15: Towards a National Policy on the Protection and Promotion of Childrens Rights in SA.  
*Ms Brigitte Mabandla*
- 11h15 - 11h30: Reproductive Rights:  
*Judith Scully*
- 11h30 - 11h45: Gender Discrimination in the Workplace:  
*Prof. Peggy Russell*
- 11h45 - 12h00: The Legal Status of Women in Zimbabwe: Between Colonialism and Liberation:  
*Prof. Inyeai Ororokuma*
- 12h00 - 12h40: Discussion
- 12h45: *Lunch*

## SESSION 8

### ***Economic Rights and Development***

Chair:

- 14h00 - 14h15: Comparative Approaches to Control over Natural Resources:  
*Prof. Ruth Gordon*
- 14h15 - 14h30: Aspects of Development:  
*Ms Linda Zama*
- 14h30 - 15h30: Discussion
- 15h30: *Tea*

***Criminal Guarantees***

Chair:

- 16H00 - 16h15: Policing in the Democratic South Africa:  
*Prof. N Steytler*
- 16h15 - 16h30: Comparative Perspectives on US & ANC  
Bill of Rights  
*Jeffrey Edison*
- 16h30 - 16h45: Outlawing Hate Speech:  
*Prof. Debra Evenson*
- 16h45 - 17h00: Capital Punishment under International  
Law:  
*Kristen Spalding*
- 17h00 - 17h15: Discussion

**SESSION 10**

**CONCLUDING REMARKS:**

**TOWARDS THE FUTURE**

- 17h15 - 18h00: (i) Ms Linda Zama  
(ii) Mr Zola Skweyiya  
(iii) Prof. Cheryl Harris  
(iv) Prof. Debra Evenson

# Union Democracy and Government Intervention

**Abstract:** This article examines the relationship between union democracy and government intervention in the labor market. It argues that union democracy is a necessary condition for government intervention to be effective in promoting labor market reform. The article discusses the challenges of union democracy in different contexts and the role of government in supporting union democracy. It concludes that government intervention should be based on a deep understanding of the labor market and the needs of workers.

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## Biographical Details: International Participants

This section provides biographical details for the international participants in the study. It includes information about their backgrounds, education, and professional experience. The participants come from various countries and have diverse backgrounds in labor market research and union organizing. Their experiences and perspectives are valuable for understanding the complexities of union democracy and government intervention in different contexts.



# Judith Chomsky

## Union Democracy and Government Intervention

**Abstract:** The presentation will focus on the tension between the need to limit government interference in the trade union movement and the need to protect the democratic rights of workers to free speech and full participation in the internal affairs of their unions. There is a serious debate within the progressive legal community in the United States and among trade union activists over whether federal laws which mandate democratic rights for union members actually undermine trade unions or whether their enforcement is critical to the vitality of the American union movement. The prospective from which these issues will be analyzed is that of a practitioner who regularly represents rank-and-file union members who have challenged the leadership of their unions. These cases arise most frequently with unions whose leadership is reputedly tied to organized crime or whose leadership is unrepresentative of the membership with regard to race or ethnic origin.

### Biographical Information:

Ms Chomsky is a civil rights lawyer specialising in employment and labour law and issues of union democracy. She is president of the Philadelphia Chapter of the National Lawyers Guild and a member of the Guild's sub-committee on the Middle East. She has organised and participated in Guild delegations to the Middle East and was an observer during the 1984 elections in El Salvador. She was a founder of the workers Rights Law Project and the Juvenile Law Centre of Philadelphia. Before becoming an attorney, Ms Chomsky was active in the civil rights and anti-intervention movements where she devoted much of her work to organising persons in the military.

# “Comparative Perspectives on US and ANC Bill of Rights”

## Biographical Information:

**EDUCATION:**Howard University, Washington, D.C.;

B.A., Cum Laude, May, 1973

Wayne State University Law School

Juris Doctorate, December, 1975

**EMPLOYMENT:**Student Attorney, Model Neighborhood Drug Abuse Clinic,  
May, 1972 to December, 1975

Law Clerk, Defender's Office, Dec., 1974 to May, 1976 to April, 1980

Private Practice, May, 1980 to Present

### BAR MEMBERSHIP:

Criminal Defense Attorneys of Michigan

Federal District Court, Eastern District of Michigan

Michigan Bar Association

National Association of Criminal Defense Lawyers

National Conference of Black Lawyers

United States Court of Appeals, Second Circuit

United States Court of Appeals, Sixth Circuit

United States Supreme Court Bar

### BAR ACTIVITIES:

National Co-Chairperson, National Conference of Black Lawyers, 1988 - Present

Past Board of Director, National Conference of Black Lawyers

Past President, Michigan Chapter, National Conference of Black Lawyers

Board of Directors, Detroit/Wayne County Criminal Advocacy Faculty Program

Faculty, Detroit/Wayne County Criminal Advocacy Program

### LECTURES/TRAINING

#### SEMINARS:

Lecturer on various aspects of criminal trial advocacy, skills development and criminal justice.

- Criminal Defense Attorneys of Michigan

- Detroit/Wayne County Criminal Advocacy Program

- National Conference of Black Lawyers

- National Black Police Association

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# Prof. Deborah Evenson

## “Outlawing Hate Speech”

### Abstract:

Racist, homophobic and sexist hate messages are uttered with alarming frequency today in the US. The arguments for regulating hate speech are compelling: hate speech is not merely “offensive” it is injurious and it effectively silences its victims; other forms of harmful speech are constitutionally regulated without endangering democratic rights (obscene phone calls, defamation, fighting words, etc); measures can be prescribed which will not lead to curtailment of speech necessary to a democratic society; the principles of equality embodied in the Thirteenth and Fourteenth Amendments are equally fundamental to a free and democratic society as those embodied in the First Amendment.

The arguments for protection are grounded in First Amendment jurisprudence that elevates the right of free speech above all other freedoms and calls for tolerance of “offensive” speech in order to promote a better good. Such “absolutist” approaches to free speech rights do not give due recognition to the real injury victims of hate speech suffer and, even where such recognition is given, the speech rights of the dominant group are given precedence over the right to equality of subordinated groups in this society.

### Biographical Information:

Prof Deborah Evenson is currently Professor of Law, DePaul University College of Law; Chicago Illinois, teaching Comparative Law; Torts; Intellectual Property; Women and the Law.

Her area of research and publications is the development of the legal system in socialist Cuba as well as the United States policy towards Cuba (its political and legal implications).

She is currently President of the National Lawyers Guild (since 1988). Prof Evenson has long been involved in the struggle for social and economic justice in the United States, an involvement which began well before she entered law school.

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# Professor Ron Griffin

## “Employment Discrimination Cases: Something’s Blowing in the Wind”

### Abstract:

America’s refittings its business for global competition. The nation’s views on affirmative action (how much it should cost) is a part of the process. This article examines and critiques recent cases decided by the Supreme Court. The views of the Justices highlight shifting attitudes about affirmative action policy in labor relations, building construction, and employee-employer relationships.

### Bibliographical Information:

GRIFFIN RONALD CHARLES (M) Prof.

Washburn b 1943, B.S., 1965, Hampton Inst.;

JD., 1968, Howard: LL.M., 1974, University of Va. Admitted: DC. 1970: KS.

1986. Master of Arts , Philosophy, Univ of Va, since 1972 Ass’t Corp. Counsel.

Off. of Corp, Counsel, Dc Gov’t. 1970: Insti. J.A.G. 1970-73: Ass’t Prof.

1973-74; Ass’t Prof., Oregon, 1974-78: Assoc. Prof., Washburn, 1979-81;

Vis. Prof. notre Dame, 1981-82: Prof., Washburn, since 1981: Vis. scholar,

Queen’s Univ., Canada, spring 1988. Subjects: Antitrust; Commercial Law;

Consumer Law: Contracts Creditors’ Rights: Government Contracts, (S):

International Transactions (S), Grievance Examiner, EEOC, since 1981;

Consult, Subcom. House Jud. Com., KS Legis, 1985: Consult, KS Dep’t of

Human Resources, 1986.

l, Contracts commercial, Legal education. Home: 2031 Bowman Ct Topeka

Kansas 66604. Office: Washburn U Sch Law Topeka KS 66621



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Lee Halterman

“From Promise to Reality: Procedural  
and Structural Aspects of Democratic  
Government”

Bibliographical Information

H. Lee Halterman is an attorney and District Counsel to U.S. Representative Ronald V. Dallums, and has been employed by Mr Dellums since 1970. In this capacity he handles all matter regarding litigation and compliance with House Rules and federal regulations and statutes. He lectures on foreign and military policy; federal budgetary policy; governmental organization; and politics as a member of the Congressman's staff and is the principal spokesperson for Mr Dellums. In addition, he handles various administrative and legislative responsibilities (He was the principal drafter of the FY 1991 Congressional Black Caucus "Quality of Life" budget alternative).


Mr Halterman is a graduate of Boalt Hall School of Law (University of California, Berkeley) and received his undergraduate degree in Political Science at the University as well. He served an internship at the International Commission of Jurists (Geneva) and is currently Chair of the Board of Directors of the American Civil Liberties Union of Northern California.

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Professor Cheryl Harris

“Preliminary Thoughts on Origins and  
Sources of Conflict concerning  
Affirmative Action”

Biographical Information:

  
Not available at the time of print.

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# Professor Gerald Horne

## “ A Mirror at Dawn: Reflections on the Retreat from Legalised Racism in the USA and South Africa.”

### Biographical Information:

GERALD HORNE, Chair of the Department of Black Studies and Professor of History, received his B.A. from Princeton University, J.D. from University of California-Berkeley, Ph.D from Columbia.

He has served as Special Counsel for Local 1199 of the Hospital Workers Union, Executive Director of the National Conference of Black Lawyers (where he was asked to mediate the Sudanese Civil War) and Professor of History and Law at Sarah Lawrence College.

His is author of *Black and Red: W.E.B. Du Bois and the Afro-American Response to the Cold War, 1944-1963*, *Communist Front? The Civil Rights Congress, 1946-1956*; and the forthcoming *Black Liberation/Red Scare*; Ben Davis, the ‘National Question’ and the Communist Party.

He is the author of *Thinking and Rethinking U.S. History*.

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# Francisco (Kiko) Martinez

## "A Report on the Status of Language Rights of Non-English speaking people in the USA.

Abstract: In this era as colonized and oppressed nations once again reassert themselves they encounter opposition to their culture and language. This process has presented itself repeatedly in the USA empire with regards to indigenous peoples and natives. Treaty rights, legal rights and human rights, notwithstanding, those in power repeatedly try to reduce to second class status, if not obliterate, non-English speaking peoples. This same xenophobia and chauvinism have been expressed towards non-English speaking immigrants and minority groups.

In recent years an Official English campaign has been revved up by reactionary forces in USA. These forces were gaining ground until their racist motives were revealed during the Official English referendum in Colorado. The primary forces being the campaign are groups like the Council On Interamerican Security (National Within A Nation: On Creating a Hispanic America? & Santa Fe II); U.S. English, English First and Federation On American Immigration Reform (FAIR). This movement has forced many of us to rethink the history and process of conquest of Mexican people and indigenous peoples. Proximity to our roots and never having been severed from them creates an unwelcomed scene for racists.

This same process of cultural genocide is witnessed in situations like Northern Ireland, Palestine, Canada, etc. The African National Congress has recognized language as a planning issue in post apartheid South Africa. Interchange of experiences, strategies and results could prove mutually beneficial. Language problems arise in education, administration, safety, courts, etc.

I propose to provide a historical and legal analysis of the English language move to prominence in USA and prospects for the future for non-English speakers. Constitutional amendment? Legislative provisions? Executive order? Defeat of all of the preceding? Legal and political strategies. Does it really matter?

## Biographical Information:

Kiko Martínez is a 44 yearold attorney who has established himself as an effective advocate for Mexicans living in conquered Mexican territory — Southwestern USA. Martínez lives with his family in the San Luis Valley of Colorado where he was born and raised. Minnie López, his companero de vida, is a elementary education mathematics specialist. They have five children, all students.

In 1973 Martínez was a young lawyer and political activist serving the Chicano Movement. His activity centered around the defense of political prisoners, prisoners rights, labour problems of farmworkers, democracy on university campuses and the perpetual question of land and cultural rights of conquered nations. His personal and family background give him particular understanding of these issues.

As a consequence of that work Martínez gained the enmity of powerful interests. From 1973-1980 Martínez was forced into political exile. Upon his return in 1980 Martínez fought a nine-year long legal battle fraught with racist and political machinations. Ultimately he was exonerated and vindicated. During the pendency of the court cases Martínez' law license was placed on interim suspension. Finally, in 1989 Martínez was reinstated to the bar. Although Martínez was never convicted of anything nor disciplined by the bar he endured and suffered the damage.

During the term of exile and litigation Martínez continued his legal and political advocacy for the Mexican people. Martínez is a frequent lecturer and writer. Presently, he is legal counsel to several community organizations including the National Coalition Against English only. Martínez spearheads an effort against state and federal wildlife agencies who in 1989 staged a paramilitary invasion of rural Mexican communities in the San Luis Valley under the pretext of illegal hunting. Over 100 persons were arrested in this predawn raid and to them this raid was conducted to impose law and order — one of the prerequisites for gentrification. The San Luis Valley is a resource rich, scenic undeveloped rural area. Mexicans to this day exert political force and own much of the land as traditional land-based communities.

Attacks Against Progressive Lawyers was the title of a paper Martínez presented to the International Association of Democratic Lawyers during the March, 1990 Barcelona gathering. Martínez was part of a legal delegation that visited El Salvador in May, 1990 to study the legal system. The report on that visit which Martínez prepared was published in several periodicals. The Western Association of Historians met in Albuquerque in April, 1989 at which time Martínez presented a paper entitled Traditional Communities Under Stress — a document evidencing private and governmental strategies aimed at dispossessing traditional peoples of their resources.

For spiritual rejuvenation Martínez farms and is an adobero, traditional adobe builder. Bilingual, Martínez collaborates with Latin American Scholars and community organizers. Martínez has been honored formally by professional and community groups. Martínez office exhibits an extremely fine art collection — expressions of gratitude from a broad range of artists.

## “Affirmative Action: Historical and Current Perspectives”

### Bibliographical Information:

I was born in 1947 and raised in New York City. I lived in New York City and its suburbs until 1964 when I began attending college at the University of Pittsburgh. I am the second oldest of four siblings. My father, now deceased, was an attorney.

I majored in history at the University of Pittsburgh and was a member of the history honours program. I minored in Political Science and Philosophy. I entered law school in 1968. My experiences in the Civil Rights movement (from age 14 forward), the ongoing anti-war movement and women's movement that led me to law as a profession. I joined the National Lawyers Guild in 1969 while a law student at Boston University School of Law. I was a very active Guild member.

I graduated from law school in 1971 and, after a year as a Reginald Heber Smith Community Lawyer Fellow in Legal Services, Cambridge, Massachusetts. As an all women firm, we attracted significant support from civil rights and women's organizations, included employment, housing, prisoner rights and school desegregation. We represented most of the women's organizations in the Boston area and assisted in unionizing drives in heavily female workplaces such as offices and restaurants.

In 1971, I married Dr. Franklin Mirer. We moved to Detroit in 1975 when he was hired by the United Auto Workers (UAW) for its health and safety staff. He is now Director of the UAW's health and Safety Department.

For four years (1974-1979), I was an elected officer of the National Lawyers Guild. I was National Treasurer from 1974 to 1977 and Regional Vice President from 1977 to 1979. During this period, I was also the Chair of the Guild's Task Force on Affirmative Action. In this role, I worked with National Lawyers Guild members throughout the United States and with the leaders and members of the National Conference of Black Lawyers and the Center for Constitutional Rights. I also coordinated the NLG's affirmative action work with these organizations and minority law student organizations. The affirmative action work consisted of legal and mass work, i.e., organizing pro-affirmative action demonstrations and conferences as well as writing numerous amicus briefs in support of affirmative action cases at the Supreme Court.

In 1976, after a temporary assignment on the UAW legal staff, I joined my current partner, Michael Barnhart, at the Center for Urban Law. The Center was the Law Reform Unit of Wayne County Neighborhood Legal Services. I specialized in law reform litigation in all aspects of employment law that affected the Legal Services' client population. In 1982, due to budget cuts at Legal Services, the Law Reform Unit was closed and Mr. Barnhart and I entered into private practice as Barnhart and Mirer, P.C. In this partnership we have continued many of the cases begun in Legal Services including several class actions. We continue to specialize in plaintiff's civil rights work as well as community economic development. I am currently a Board member of the Ad Hoc Coalition on Fair Banking Practices.

I am a parent of two school age children, Michael, age 10 and Elisabeth, age 7. Both are in public school. I am a very active parent in school affairs. I have been appointed by the Detroit School Board to several school system-wide committees.

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# Professor Winston Nagan

## Human Rights And South Africa: The Agenda For The 1990's

### Abstract:

"The paper gives a short review of what international human rights are and what apartheid is from a human rights perspective. The paper reviews contending models of human rights viz., the narrow and the comprehensive paradigms, and examines the challenges that must be confronted for policy and decision, if the known human rights agenda of the world community is to figure in a meaningful and operative way, in the processes of governance and law in South Africa in the 1990's. The paper then examines diverse constitutional models and their value in giving operational effect to a human rights conditioned culture, and especially to the constitutional parameters of that legal and political reality. The paper suggests that a radical departure is required from the conventional ways of looking, thinking teaching and doing 'law' if the expectations of South Africa's deprived masses are to be realistically addressed by the apparatus of state and law."

### Bibliographical Information

(M) Prof. Univ. of Florida. b. 1941. B.A. (Law), 1965, Univ. of South Africa:  
B.A. (hons. juris). 1966; M.A. (juris.). 1971, Oxford; M.C.L. 1970 LL.M. 1970.  
Duke: et al. James B. Warburg Fellow. Univ. Consortium for World Order.  
1974-75. Ass't Prof., Va. Polytechnic Inst. & St. Univ. Blacksburg. VA.  
1969-71: Ass't Prof. Valparaiso. 1971-72; Ass't Prof. De Paul. 1972-73;  
Assoc. Prof. (on leave). 1973-74; Assoc. Prof., Univ. of Florida, 1975-78; Prof.,  
since 1978: Vis. Prof. (Sr. Fulbright Scholar), Monash Univ., Australia, 1979.  
Subjects: Civil Procedure; Conflict of Laws; Domestic Relations;  
Jurisprudence Member: ASIL. Rptr. FL Matrimonial Law Commission. Sub  
Comm., Marital Prop.

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# Professor Inyeai Ororokuma

## “The Legal Status of Women in Zimbabwe: Between Colonialism and Liberation”

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### Bibliographical Information:

Professor Inyeai Ororokuma  
University of Cincinnati  
College of Law

I am currently an Assistant Professor of law at the University of Cincinnati, a position I have held since the autumn of 1987. Since graduating from Vanderbilt University School of Law in 1984 I have also held staff attorney positions at the Legal Aid Society of Cincinnati and at the U.S. Sixth Circuit Court of Appeals. I am a member of the National Bar Association, the Black Lawyers Association of Cincinnati and the Cincinnati Bar Association.

On the personal side, I was born and raised in Brooklyn, New York of a Nigerian father and an African American mother. I am married to a Zimbabwean, Adam Sithe, we have one child. Prior travel to Africa includes, Nigeria, Kenya and Zimbabwe.

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# Professor Charles Powell

## “The Resolution of Factional Disputes in a Constitutional Democracy”

### Bibliographical Information

A practicing attorney, specializing in Constitutional law issues, for the past sixteen (16) years; Professor of Constitutional Law - Civil Rights of the Hunter College, City University of New York; Charles h. Revson fellow at the Urban Legal Studies Program of the City College of New York; Member of the Bar of the State of New York and the United States of America District Court and Circuit Court of Appeals; Member of the Metropolitan Black Bar Association and the National Bar Association.



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# Professor Margret Russell

## "Gender and Discrimination in the Workplace"

### Bibliographical Information:

Margaret M. Russell is an Assistant Professor at the Santa Clara University School of Law in Santa Clara, California, where she presently teaches in the areas of employment discrimination and civil procedure. Her research and teaching interests include the above areas, as well as civil rights, civil liberties, and feminist jurisprudence. She has received an undergraduate degree from Princeton University and graduate degrees in law from Stanford University. She is currently active in the American Civil Liberties Union on both the local California and national levels. In 1990 she travelled to Nicaragua as an election observer sponsored by the National Lawyers Guild.

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## Judith Scully

## "Reproductive Rights"

### Bibliographical Information:

I am a 28 year old African American woman; lawyer; political activist; civil and human rights advocate; health-care worker in-training; social worker at heart; lover of men, women and children (not necessarily in that order); and writer.

I received my formal education at the George Washington National Law Center in Washington D.C., (JD 1986); the International Institute of Human Rights in Strasbourg, France (1985); and the University of Chicago in Chicago, Illinois (B.A. 1983).

I recently resigned from my job as a corporate lawyer to establish my own private community based law practice and communications consulting firm.

## “Right to a Job: A Human Right”

### Bibliographical Information:

Eric Sirotkin is the southwest regional vice President of the National Lawyers Guild. He has lectured at many community and legal seminars on workplace issues and has taught Modern Employment Law and Labor Law at the University of New Mexico School of Law. For the past twelve years he has worked extensively in the area of Civil Rights in the Workplace and wrongful discharge litigation. He is the president of the non-profit Worklife Resource Center, which is devoted to educational activities on improving the quality of worklife. Mr. Sirotkin has published several articles on defending the rights of abusively discharged employees and currently practices in the Advocates for Equal Rights Law Offices in Albuquerque, New Mexico.

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## Kirsten Snow Spalding

## “Capital Punishment under International Law”

### Bibliographical Information

Kirsten Snow Spalding is a union-side labor attorney in San Francisco, California. She has researched and written on international law subjects concerning southern Africa.

In 1988, Ms. Spalding published a collection of United Nations documents regarding national liberation movements for the Association of Humanitarian Lawyers. This collection is a resource for South African attorneys who need an easy reference to U.N. materials when making international law arguments in political cases and is also a resource for United States legislators concerned with issues of national liberation movements.

Ms. Spalding was Editor in Chief of the *Hastings International and comparative Law Review* in 1989-90. As Editor, she published articles on issues of international human rights law, international business law and comparative law. In the Winter 1990 issue, Ms. Spalding published her own Note, *Recognition of the African National Congress and the Apartheid Government: A Proposal for the United States*. The Note considers issues of government recognition under

international law and argues that the apartheid regime should be derecognized by the United States and that the ANC should be given some preliminary recognition before a democratic government is formed.

Working with the National Lawyers Guild anti-apartheid Committee in San Francisco, Ms. Spalding has written anti-apartheid legislation which has passed in the cities of San Francisco and Berkeley and in local bar associations. The Committee has done public information campaigns and acts as legal support to other community anti-apartheid groups. Presently, the Committee is pursuing a suit against the Port of San Francisco which has violated the San Francisco Divestment Ordinance by entering into a contract with a shipping line which does business with South Africa.

Ms. Spalding's interest in international law and south Africa stemmed from her work as a community organizer in Durban, South Africa from 1985-1987. She returned to the United States to undertake a law degree and change careers in 1987. Prior to 1985, Ms. Spalding had received a Bachelor of Arts in Music from Yale College, New Haven Connecticut and had worked as a concert pianist and music manager.

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## Professor Adrien Wing

### “Namibian Constitutive Process: Model for South Africa”

#### Bibliographical Information:

Professor Wing has been an associate professor of law at the University of Iowa since 1987. She also has served as the International Section Chairperson of the National Conference of Black Lawyers since 1985. She received her Bachelors degree with high honors in 1978 in Political Science & Afro-American Studies from Princeton. At graduation she won the Frederick Douglass Award & the Afro-American Studies Thesis Prize (Hon. Men.) as well. She then received an honors fellowship to attend University of California at Los Angeles, where she majored in African Studies (emphasis on Southern Africa politics) and was editor of the Ufahama journal. She received her Master Degree there in 1979. Professor Wing received her Doctorate of Jurisprudence degree from Stanford Law School in 1982, where she was an editor of the Stanford Journal of International Law and on the Board of Directors of the National Black Law Students Association. She also worked as an intern at the United Nations Council for Namibia. After graduation she practiced international law for 5 years in New York City with 2 firms, focusing on Africa, the Middle East & Latin America. Widely traveled, she has visited the following countries in Africa: Kenya, Tanzania, Zimbabwe, Angola, Sudan & Egypt.



Biographical Information

How to Identify Each Entry

This is a working Professor of Law at the University of the Western Australia, teaching Human Rights in the International Law Program at the University of Western Australia, Director of the Asia-Pacific Human Rights Centre of the ANU, Constitutional Law.

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# Biographical Details:

## Local Participants

### Views on Rigidity - SA and American Experience

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## Biographical Information:

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Born in Stanger, South Africa.

He is a visiting Professor of Law at the University of the Western Cape, teaching Human Rights in the International Context; Law Professor at the University of Dublin, Ireland; Chairperson of the Anti-Apartheid Movement and a member of the ANC Constitutional Committee.

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## Arthur Chaskalson

### Views on Rigidity - SA and American Experience

## Biographical Information:

Born in Johannesburg, South Africa.

Presently he is the Director of the Legal Resources Centre in Johannesburg. He graduated at the University of the Witwatersrand BCom-1951 and LLB(Cum Laude)-1954. He has served as Advocate of the Supreme Court of South Africa since 1956. He holds several awards and academic/positions in the academic/Human Rights and professional fields, amongst others a Doctor of Laws Honoris Causa, University of the Witwatersrand, April 1990; Doctor of Laws University of South Africa, 1986; Consultant to the Namibian Constituent Assembly (Constitution Drafting) December 1989 and March 1990; and Consultant to the ANC on Constitutional issues..

# Nicholas "Fink" Haysom

## Biographical Information:

Born in Cape Town, South Africa.

He is presently a Senior partner in the Cheadle, Thompson and Haysom Legal firm (Johannesburg) which has been functional in the representation of Human Rights cases particularly setting legal precedence in the Labour Law field. He also is a member of the Centre for Applied Legal Studies at the University of the Witwatersrand Johannesburg. He received his BA,LLB at the University of Cape Town.

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## Heinz Klug

### Dismantling National Security State

## Biographical Information:

Born in Durban, South Africa.

He received his BA( Hons ) in Law degree at the University of Natal (Durban) in 1967. Due to political harrassment he left south Africa in 1979. He received his HD( Doctor Juris) at the University of California, Hastings College of Law (San Francisco). He is a member of the California Bar. He returned to South Africa in 1989. Presently he lectures at the University of the Witwatersrand (Johannesburg). He is a member of the ANC Land Commission Secretariat and a member of the ANC legal department.



## Biographical Information:

Born in Pietermaritzburg, South Africa.

He was educated at Ngoye University and the University of Natal where he obtained his BA(Law) and LLB degrees. He is an Advocate of the Supreme Court of South Africa and has mainly represented clients in Human Rights issues. He is presently the National President of the National Democratic Lawyers Association.(NADEL) and is a member of the ANC Constitutional Committee.

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## Brigitte Mabandla

### Towards a National Policy on the Protection and Promotion of Children's Rights in South Africa

## Biographical Information:

Born in Johannesburg, South Africa.

Registered for the B.Iuris degree at the University of the North (Turfloop-Sovenga) in 1969. A student activist - she was excluded in 1972 for her political activities. In 1973 registered with UNISA for the same course. In 1974 she was detained, held in communicado for 5 months, Brigitte was banned upon release. She left South Africa in 1975 due to political harassment and obtained her LLB degree at the University of Zambia (Lusaka) in 1979. She has worked in various capacities in the ANC, notably she is a member of the ANC Constitutional Committee, Convenor of the Commission on Gender, Family and Children. Presently she works at the Community Law Centre as a Researcher. She returned to South Africa in August 1990.

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Thabo Mbeki

## An Overview of the Political Situation in South Africa

### Biographical Information

Born in Transkei in South Africa.

He is a member of the ANC National Executive Committee. He also is the Head of the Department of International Affairs. He is one of the ANC Youth League Members who left the country in the early 60's. He has been educated in Europe in the fields of History and Economics. He has previously held the position of Head of the Information and Propaganda Department of the ANC. He returned to South Africa in 1990.

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### Bulelani Ngcuka

## “Judiciary - Role, Composition, Democratising, Legitimacy, Representivity”

### Biographical Information:

Born in Cape Town, South Africa.

Presently holds several positions in the ANC and United Democratic Front. Amongst these he is a member of the ANC Constitutional Committee, and is the ANC Western Cape treasurer. He was educated at the Fort Hare University and University of South Africa, where he obtained his BCom and LLB degrees. He also is a senior member of the Ngcuka law partnership in Athlone and a Researcher at the Community Law Centre.

# Lucy Nyembe

## Worker's Struggles

### Biographical Information

Chairperson of the Congress of South African Trade Unions (COSATU) Western Cape Region

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## Abdullah Mohammed "Dullah", Omar

### "Processes and Principles"

### Biographical Information:

Born in Cape Town, South Africa.

He presently is the Director of the Community Law Centre. He also has been an Advocate of the Supreme Court of South Africa for the past ten years. He has practised as an attorney for the past twenty years. During this time he has mainly represented clients in BCM, ANC and PAC political cases. He has been involved a broad spectrum of political activities such as the political prisoners organisations and trade movement organisations. He presently also holds the positions of Cape Region Chairman of the NADEL as well as being on the executive of the ANC Cape region executive. He also is a member of the ANC Constitutional Committee.

# Albert "Albie" Sachs

## Redressing Historical Injustices

### Biographical Information:

Born in Johannesburg, South Africa.

He studied and obtained his BA, LLB at the University of Cape Town in the 1950's. He obtained his Phd degree at the University of Sussex in England. He left South Africa in 1963. He has lectured at the University of Southampton and the Columbia School of Law. He has been Director of Research at the Eduardo Mondlane University in Mocambique and is presently Director of Research at the South Africa Constitution Studies Centre at the University of London. He is also a member of the ANC Constitution Committee. He returned to South Africa for the first time since his exile in 1990.

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# Zola Themba Skweyiya

## The Land Question

### Biographical Information:

Born in Simon's Town, South Africa.

He first studied at Fort Hare University but had to leave South Africa in 1962, due to political reasons. He then studied at the Liepzig University in the German Democratic Republic where he obtained his Doctor of Laws degree. He has been the Head of the ANC Legal and Constitutional Affairs Department since its establishment in 1985. He has also held the position of Officer of Justice of the ANC. He is a member of the ANC Constitutional Committee. He also is a researcher attached to the Community Law Centre at the University of the Western Cape. He returned to South Africa in 1990.

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# Professor Nico Steytler

## Policing in the Democratic South Africa

### Biographical Information

Born in Cape Town, South Africa.

He obtained his BA,LLB at the University of Stellenbosch.He then studied for his LLM at the University of London. He obtained his Phd in Law at the University of Natal. Presently he is Head of the Public and Adjective Law Department, Faculty of Law, University of the Western Cape where he also lectures in Criminal Law amongst other subjects. He is also Advocate the Supreme Court of South Africa and of the High Court of Lesotho.

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## Linda Zama

### Aspects of Development

### Biographical Information

She obtained her BA at the Ngoye University and her LLB at the University of Natal(Durban). She has practised as a Human Rights lawyer in the Mxenge practice before and after both the Mxenges were assassinated. She is a member of NADEL and is presently working, amongst other things in the Committee to Monitor Violence in Natal. She also is a Researcher for the Legal Resources Centre attached to the University of Natal.

ANC Draft Bill of Rights

Biographical Information

Born in Durban, South Africa.

She obtained her BProc degree at the University of the North. She obtained her LLB degree at the University of Natal. She was then awarded the British Council fellowship to study at the London School of Economics where she obtained her LLM degree in 1989. Presently she is a Researcher at the Socio-Legal Studies Centre attached to the University of Natal. She has worked as a training officer for the para-legal training programmes. She is the Convenor of the Women's desk in the NADEL Durban branch; Secretary of the ANC Women's League (Kwa Mashu branch) and the treasurer of the ANC "Andrew Zondo" branch in Kwa Mashu. She has also worked in several capacities monitoring the violence in Natal.



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