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University of London
SOUTH AFRICA CONSTITUTION STUDIES CENTRE
Institute of Commonwealth Studies, 27-28 Russell Square.

30, 1990.

SACSC -

REPORT

Oct '89 - Sept '90

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London WC1B 5DS Tel:071 580 5876 Fax 071 255 2160

Director: Albie Sachs

Admin. Sec: Dorothy Williams

REPORT FOR PERIOD OCTOBER 1, 1989 TO SEPTEMBER 30, 1990.

GENERAL

I have a dream job. As Director of the above Centre I am freed from committee meetings, and examination scripts, and am available for full-time work on a task that comes to Lawyers once in a century. Thanks to the support that the Centre has received I have been able to write almost continuously, to visit South Africa, to train young colleagues and attend innumerable conferences. The timing could not have been better. The papers produced at the Centre have been circulated widely in South Africa and by the time this report reaches you they should all appear collected together, updated, in book form under the title *Protecting Human Rights in a New South Africa* (Oxford University Press, Cape Town).

PERSONNEL

Dorothy Williams and I entered our offices on the top floor of the Institute of Commonwealth Studies in October 1989. In August 1990, Firoz Cachalia started work as a Research Assistant for the Centre, attached to the Centre for Applied Legal Studies at the University of the Witwatersrand. His appointment runs for one year, with a possibility of renewal. In June 1990, Mbali Mncadi arrived in London from Lusaka to take up a Research Fellowship lasting four months with the Centre. A South African lawyer, she worked for some years in the Attorney General's staff in Swaziland and more recently was attached to the Legal Department of the ANC in Lusaka. After completing her fellowship she will return to South Africa.

EQUIPMENT AND MATERIALS.

The Centre has acquired two word processors and a printer with desk-top publishing capacity. Appropriate training in their use has been achieved and still continues. We have also acquired a complete set of Constitutions of the World, as well as various other basic materials.

ACTIVITIES.

A. Publications. The following papers have been produced:

1. Judges and Gender: the constitutional rights of women in a democratic South Africa.
2. The Constitutional Position of the Family in a democratic South Africa.
3. The Future Constitutional Position of White South Africans.
4. Free Speech - Unlimited or Qualified.
5. To Believe or Not To Believe.
6. Conservation and Third Generation Rights.
7. Rights to the Land.
8. Developing a Rights Culture.
9. Preparing Ourselves for Freedom - Culture and the Constitutional Guidelines - (updated).
10. Towards a Bill of Rights in a Democratic South Africa (updated).
11. The Future of South African Law.
12. Towards a Charter of Children's Rights.
13. The Last Word - Freedom.

As mentioned above, these papers have been revised and put together in a book about to appear in South Africa.

I have also presented papers at a number of the conferences and seminars listed below.

B. SEMINARS CONFERENCES AND LECTURES.

I have attended conferences and seminars on subjects related to a new constitution for South Africa in the following cities; London, Oslo, Amsterdam, Lusaka, Johannesburg, Cape Town, Pretoria, Durban, Madrid, Maputo. I have also given a large number of lectures in the above and other centres.

The Centre has itself put on seminars. The first seminar activity consisted of six weekly afternoon sessions at which post-graduate South African law students studying in London presented papers on work-in-progress for criticism and discussion. The second activity was an all day seminar organised jointly with the Institute of Commonwealth Studies at which papers were presented by different

South African scholars to an audience of approximately fifty academics drawn from various UK universities.

C. MEETINGS WITH ACADEMICS AND GOVERNMENT OFFICIALS

A long list of South African Law Professors and lawyers have visited the Centre. Useful contacts have also been made with people involved in various Commonwealth institutions as well as with personalities from Canada, United States, Ghana, Norway, Sweden, Netherlands, France, Mozambique, Lesotho, Zimbabwe, and South Africa, who have a special interest in South Africa.

EXPENDITURE

Expenditure has been substantially in line with the budget. Certain book-keeping adjustments became necessary because the amount paid by the Ford Foundation was in dollars and not in pounds sterling. On the other hand extra funding came in from the Norwegian Foreign Ministry. A reference to the attached financial statement from the University of London reveals the following points of interest:

1. Equipment and Office Costs. The item for equipment has been slightly overspent while the item for office costs has been substantially underspent. Since the equipment costs are non-recurring we request that these two items be treated together for accounting purposes.
2. Travel. Despite the fact that I have been travelling almost continuously in the past year, we have managed to keep travel costs down by means of getting conference organisers to pay for plane tickets. We expect, however, that expenditure on this item will rise considerably in the coming year, which promises to be a particularly intensive one as far as activity on a new South African Constitution is concerned. We accordingly request that the unspent money be carried forward to the coming financial year. (Some adjustment might be necessary to take account of refunds to be paid by conference organisers, such as the item for R1000 which will be credited to the Travel account).
3. Publications. The expenditure reflected here has been incurred in relation to desk-top publishing. This has proved extremely flexible and speedy. We include copies of the latest paper produced in this way, ie. Rights To The Land, and also of an earlier paper dealing with conservation and the constitution.
4. Seminars. Although we have been reasonably active in putting on seminars, these have involved us in minimal expense since they have been held on "home ground" and attended by persons who made their own travel arrangements. There were no fees for speakers or papers. We request that the amount under this heading be taken together with the amount under publications and carried forward into the coming year.
5. Overheads. This refers to the accommodation and services fee paid to the Institute of Commonwealth Studies. We find ourselves happily and conveniently housed and feel the money is well spent.

6. Salaries. This is the item that, from a technical point of view, has caused the most headaches. One problem has been that salary scales at the University of London have shifted during the year in question and are likely to shift in future. Secondly, the initial budget request failed to draw specific attention to the question of superannuation payments(ie. Pension scheme) for which the University was liable as employer. Thirdly, there have been considerable delays in formalising the contracts with Firoz Cachalia in Johannesburg and Mbali Mncadi in London respectively. The result has been that they are contributing their skills and enthusiasm without yet receiving remuneration. Appropriate adjustments will be made in each case and will be reflected in the next Annual Report.

At the substantive level, payments are being made in line with the original funding proposal. As Director, I have been in fact receiving rather less than the average professorial salary. We are in touch with the University of London in trying to work out fair and convenient levels of payment in line with the original proposal. We request that money not spent on a research assistant in the first year be regarded as available for the increased salary costs for myself and Dorothy Williams. When account is taken of deductions for superannuation I will in fact be receiving less than I originally anticipated; the funding from the Norwegian Foreign Ministry only partially alleviates the problem.

General Comment on Expenditure. Day to day expenditures are managed swiftly and without any problems of accounting or payments. The only difficulty we have encountered has been in relation to adjusting for the fact that we have three sources of finance, sliding salary scales, and technical problems in connection with contracting research assistants. We feel however, that our expenditure is broadly following the lines of the initial proposal. We have worked intensively, and, we think, productively. We are pleased to have the Centre in place and available to support constitutional research during these crucial days. It seems clear to us that its work will be needed for at least another two years. The opening up of the situation in South Africa has given us new opportunities, both for research and for communicating the results of our research. It is convenient to have a base in London, close to some of the best Law Libraries in the world, and with easy access to scholars from various parts of the world. We accordingly envisage the Centre continuing its activities for the full three year period contemplated in the original grant request. It appears that no major adjustments in expenditure will be required, but, should circumstances change in any drastic way, we will communicate immediately with the donors.

Albie Sachs
Director

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SUPPLEMENTARY REPORT

Further to the report for the year ended 30 September 1990, as given to Mr Vollebaek, we wish to add the following:

RESEARCH ASSISTANTS

Ms MBALI MNCADI, formerly of the ANC Legal Department, spent several months between June to December, helping on various projects and participating in many seminars and workshops. She has returned to South Africa and is about to start work at the Community Law Centre, Faculty of Law, University of Western Cape.

Ms MERCIA MAKGALEMELE, formerly legal adviser to the National Union of Mineworkers in South Africa, arrived from Johannesburg this month to spend three months at the Centre doing research relevant to the creation of a Human Rights Commission in South Africa.

Ms JENNIFER MOHAMED of Johannesburg, is presently in the USA doing research relevant to enforcement of anti-discrimination measures (her travel was funded by our Centre).

Mr FIROZ CACHALIA is doing research under my direction on a wide range of questions, attached to the Centre for Applied Legal Studies, University of Witwatersrand, Johannesburg.

Ms LOUISE ZONDO has started research relevant to the new judiciary and a constitutional court - attached to the University of Natal, Department of Law, Durban (partly funded by our Centre).

SUPERANNUATION AND PENSION

The amounts deducted from my salary have increased with increases in salary, hence the request for £7,000 rather than £6000 (which in fact did not fully cover the deductions).

PUBLICATIONS

We are sending you further copies of the book *Protecting Human Rights in a New South Africa*.

Albie Sachs,
Director.

March 19, 1991.