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Oct 89 - March 90

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University of London

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Institute of Commonwealth Studies, 27-28 Russell Square
London WC1B 5DS Tel:01 580 5876 Fax 01 255 2160

Director: Albie Sachs Admin. Sec: Dorothy Williams

Interim Report for the period October 1, 1989 to March 31, 1990

This is a brief interim report to give an idea of how the Centre was launched. Its work has been speedy, its structuring slow.

1. THE WORK OF THE CENTRE

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.

I am presently putting these papers together in a book which I hope to have published soon in South Africa. The book will include earlier papers of mine, all of which relate to the theme of a Bill of Rights. In the meanwhile I have circulated copies of all the above papers to universities in South Africa, Trades Unions, Church people, and other interested persons and bodies. I have also sent copies to the ANC Constitutional Committee and to the ANC leadership.

2. SEMINARS, CONFERENCE AND LECTURES..

A. The Centre has organised a weekly seminar for South African post-graduate students in London. We have had five meetings so far and all the students participate in presenting their own work or discussing the work of others. The emphasis is as much on presentational skills as it is on substance. A number of my own papers will in fact be amended in the light of the useful discussions held.

B. I have attended the following conferences.

1. Meeting in Paris, November 27 to December 3, 1989, organised by Danielle Mitterand, enabling a wide range of South Africans living inside of South Africa to meet with members of the ANC living in exile. One session was devoted to discussion of a new constitution.

2. Seminar in Lusaka, December 8-9, organised by the ANC Women's Section on the future constitutional position of women in South Africa. I presented three papers, namely, on Gender, on The Family and on Children's Rights. The ANC's Constitutional Guidelines were modified in the light of the discussions

3. Seminar in Windhoek, February 16-17, 1990, organised by the Legal Assistance Centre, on transforming the legal profession in Namibia. I presented a paper on Post Independence Legal transformations in Mozambique and collected documents on the way in which the Namibian Constitution was adopted.

C. I have given lectures in the following places:-

1. Royal Africa Society, London, 3 October, 1989.
2. Norwegian Institute for Human Rights, Oslo, 30 October;
3. NORAD, Oslo, 31 October.
4. Maputo, Ruth First Memorial Lecture, 22 December
5. Catholic Univesity of Brabant, The Netherlands, 7 February, 1990.

3. 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 who have a special interest in South Africa.

4. THE STRUCTURING OF THE CENTRE

On 2nd October, 1989 Dorothy Williams and I entered pleasant but rather bare offices in the Institute of Commonwealth Studies, Russell Square, London, Dorothy as Administrative Secretary and I as Director. We are still the only functioning members of the Centre.

Contact has been made with various persons who are possible candidates for the post of Research Assistant. Eventually I chose Firoz Cachalia, a graduate of Witwatersrand University, who this month will complete his Articles with a Law firm in Johannesburg. We have agreed that Firoz will start working for the Centre within the next month. I am planning a visit to South Africa within the next few weeks and will finalise details with him. Our initial idea is that he will pay a short visit to London where he can get to know libraries and receive short and intensive training from me. He will then return to South Africa where he will continue working for the Centre, occupying an office in the Centre for Applied Legal Studies at Wits University. He will then be responsible for collecting materials in South Africa, distributing Centre publications and liaising with other South African bodies doing research in the Constitutional area. He will also undertake research on specific topics.

As a result of receiving additional funds which have been promised by the Norwegian Foreign Ministry, the Centre should be in a position to take on Research Assistants on a short-term basis, that is, for three or four months at a time. The first candidate for this position is a South African lawyer who was a prosecutor while in exile in Swaziland. She has now expressed interest in developing research skills in the area of Constitutional Law. Special consideration will be given to training for women lawyers.

5. MONEY

What should have been the easiest part of the Centre's operation, granted the willingness of Donors to finance its operation, has proved to be the most complicated. I am informed, however, that the University has finally signed all the necessary documents to enable the Donors to make payments and am happy to report that at present there are no financial blockages to the carrying out of the activities of the Centre.

Our arrear salaries have been fully paid and payments we made from our own pockets for sundry expenses have been refunded. Our expenditure has been as follows:

1. Salaries. Dorothy's salary is working out almost exactly as envisaged in the project proposal. As far as my salary as Director is concerned there have been some problems caused by the need to pay fairly large sums into Superannuation and National Insurance funds. This necessitated my being placed on the salary scale of Senior Lecturer rather than Professor. With increased funding promised from the Norwegian Foreign Ministry as of the 1st of July 1990, this question will be resolved. The delay in appointing a Research Assistant means that we have a small reserve in hand

2. Travel. Despite the fact that I have paid several visits to Africa and western Europe in the course of doing work for the Centre, the total expenditure on travel so far comes to the grand amount of £16 representing 4 taxi journeys in London. The fact is that air fares and accommodation for all my many trips have been paid for by other organisations. I expect, however, that in the next few months we will make heavier call on this item.

3. Office Equipment. We are completing the installation of computer equipment, giving us a capacity for light desk top publishing. The full £10000 set aside for this initial expenditure has been used. Provision has also been made for training Dorothy in the use of this equipment.

4. Office Materials. The normal range of office requirements is being acquired. We are also buying a set of documents entitled Constitutions of the World.

5. Seminars. Despite strenuous efforts we have not been able to spend more than £8 under this item, being the cost of coffee and sandwiches. The rapid unfolding of events in South Africa means that it is difficult to set aside the blocks of time necessary for seminars to which outside people are invited. The current weekly seminars are flexible - all the participants live in London and can be contacted by phone.

At the end of our first year of operation we will present a full, audited report.

6. FUTURE ACTIVITIES

My immediate plans are to visit several universities in South Africa, respond to invitations to give talks there, and work out ways and means of co-ordinating the activities of the Centre with work being done in South Africa. It is our intention to keep our offices going at the Institute of Commonwealth Studies. We are in an attractive building, centrally placed, with good access to important Law Libraries. We also benefit from a good and friendly infrastructure of services. At the same time I propose to do more and more of my work in South Africa. The demands on the Centre are increasing and we hope that we will be able to carry out the objects as set out in our original Project Proposal in conformity with the changing situation. The fact that I am now unbanned means that the papers we produce can circulate freely in South Africa.

We are also giving consideration to the organisation of a conference in Scandanavia which would enable South African lawyers to meet and exchange views with Constitutional and other lawyers from the five Nordic countries.

Albie Sachs
Director

April 24, 1990.



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