

MCH91-57-2-5

Grant Application for

1.10.92 to 30.9.94

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SOUTH AFRICA CONSTITUTION STUDIES CENTRE

PROPOSAL FOR RENEWAL OF GRANT

SUMMARY:

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The proposal covers the two-year period 1 October 1992 to 30 September 1994. The amounts requested are as follows:

In pounds sterling, total for the two year period:

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FORD FOUNDATION	100,000
ROYAL NORWEGIAN GOVERNMENT	44,000

BACKGROUND AND REVIEW OF PAST WORK

RESEARCH, IDEAS AND PUBLICATION

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The first has been that of developing a fruitful and active relationship between scholarly and political discourse. Scholarly debates on such key questions as group and individual rights, the role of a Constitutional Court, unitary and federal forms of state, and now, affirmative action, have undoubtedly been given edge and texture by being related to the currents, trends and contradictions in the political domain. At the same time, and perhaps more important, political debate has benefited from the insights, reasoning and international experience of scholars. The Centre has played a direct role in achieving this, through publication of position papers, oral presentations at countless seminars, workshops and colloquia, and informal one-to-one discussions with key figures on all sides of the political and legal spectrum.

The second has been that of presentation of ideas. We have worked hard to develop a presentational format that makes constitutional concepts equally accessible and equally acceptable to two widely different audiences: lawyers, political scientists and political leaders concerned with constitutional questions, on the one hand [the so-called elites], and trade unionists, grass roots activists, community and religious leaders on the other [of the so-called masses].

By their very nature, constitutional rights should have an across-the-board character. Finding the right vocabulary and style for a single presentation to two audiences used to two

different modes of argument has been a useful intellectual discipline; if the ideas claim universality, their mode of presentation should do the same. We feel that openness of language is part and parcel of openness of concepts.

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TRAINING

While we feel more than satisfied with our accomplishments in the area of enriching debate on constitutional questions, we are far less happy with our success in relation to training. The quality of the half dozen persons who have worked as Research Assistants at the Centre has been excellent. They have all been people drawn from sectors of the community disadvantaged by apartheid and sexism, and we believe they are developing careers which will enable them to make valuable contributions to the protection of human rights in a new South Africa. We have also accumulated valuable materials on the enforcement in the USA and the UK of anti-discrimination law.

We have no doubt that the research assistants have all benefitted from being able to do research on key questions of great interest. The one long-term research assistant [Firoz Cachalia] is presently one of the participants in the CODESA working group on Constitutional Principles, while the first research assistant to train in London [Mbali Mncadi] is working on constitutional questions at the University of the Western Cape. Yet what they have gained in terms of skills and experiencing researcher's elan [the excitement that comes from doing manifestly valuable hands-on research under extreme pressure], they have lost out on in respect of

learning how to engage in systematic scientific grind under close supervision.

To a large extent this problem has emerged from the need of the Director to be bi-continental. We hope that relocating the Centre to South Africa will reduce the difficulties and permit training of a more systematic kind.

SEMINARS

We are constantly involved in seminars. South Africa right now is seminar-saturated. There are so many other bodies organising workshops of so many kinds that we do not feel we should expend much of our energies competing.

At the same time, we have found that occasional ad hoc seminars of an informal kind have been most useful, and propose continuing to put them on without making this a central part of our activities.

PROPOSED BUDGET FOR THE PERIOD 1 OCTOBER 1992 TO 30
SEPTEMBER 1994

PLEASE NOTE: FIGURES ARE GIVEN IN POUNDS STERLING

I. GENERAL EXPENSES FOR THE RUNNING OF THE SOUTH AFRICA
CONSTITUTION STUDIES CENTRE.

FINANCE REQUESTED FROM SIDA		136,000
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FINANCE REQUESTED FROM FORD FOUNDATION		100,000
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SALARIES

Director	28,000 p.a.	56,000	
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Administrative Secretary			
14,000	28,000	86,000	

RESEARCH ASSISTANTS

Two at 12,000 p.a. each	48,000	48,000	
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TRAVEL

General	16,000 p.a.	32,000	
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Special travel needs	8,000	40,000	
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OFFICE

Accommodation fee			
at UWC	10,000 p.a.	20,000	

Extra equipment and running expenses			
5,000 p.a.	10,000	30,000	

PUBLICATIONS

Desk top publishing and			
distribution	10,000 p.a.	20,000	20,000

SEMINARS

Support for seminars			
4,000 p.a.	8,000	8,000	

11. SPECIAL SUPPORT FROM THE ROYAL NORWEGIAN GOVERNMENT

Contribution to Superannuation Fund
for the Director

Payment p.a.	7,000	14,000	14,000
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Short-term research assistants and special small projects 15,000 p.a.	30,000	30,000
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TOTAL FOR TWO YEARS	44,000
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COMMENTS ON THE BUDGET PROPOSAL

In general terms, the proposed budget represents a continuation of the present funding at roughly the same rates in the same proportions for the same purposes. The assumption is that the funders are comfortable with the present arrangements and that from an administrative point of view it would be more convenient to continue with them than to restructure the funding.

If the funders accede to our request for renewal, then we will make the necessary arrangements with the University of the Western Cape with regard to payment, auditing and presentation of annual accounts.

SALARIES

I will continue as Director. The salary represents an estimate of what I would receive if I continued as an experienced professor at the University of London.

Dorothy Williams will continue as Administrative Secretary, moving to Cape Town for the purpose.

RESEARCH ASSISTANTS

As honorary professor both at the University of the Western Cape and the University of Cape Town, I will be well-positioned to appoint research assistants at each of these universities. There is no shortage of candidates from groups disadvantaged by apartheid and sexism. I would also wish to maintain links with the Centre for Applied Legal Studies at the University of the Witwatersrand.

The problem will be to maintain regular supervision. This may be facilitated by arranging for joint supervision by myself and a specialist in constitutional law at the universities mentioned.

TRAVEL

Travel expenses are difficult to estimate. I am in perpetual motion. Fortunately, at least eighty per cent of my travel costs are covered by host organisations. There are certain kinds of work, both inside and outside South Africa, however, in respect of which the Centre has to foot the

bill. This item also includes expenses of re-location from London.

The item referred to as 'special transport needs for the Director' arises from the following: the University of the Western Cape is about thirty kilometres from my home and not easily reached by public transport. My colleagues there have suggested that the Centre acquires a vehicle which can be driven by a one-armed person, to enable me to get to work and to the airport on my own. Naturally, I find the idea of being independent most attractive. The sum indicated would be sufficient to buy an appropriate car. The car would belong to the Centre and be available for transporting booklets, getting to and from the Cape Town airport, and enabling the Centre to liaise physically with the Universities of Cape Town and Stellenbosch, respectively.

OFFICE

The UWC has become an important centre for research on constitutional questions. We would work closely with the Community Law Centre and the Centre for Development Studies. We suggest that the same fee be paid as was paid to the University of London for accommodation, the use of telephone, mail and fax facilities as well as for seminar rooms, namely, 10,000 pounds p.a.

We do not anticipate any need for major purchases of equipment, but will require funds for some items of furniture, as well as for the servicing and running costs of equipment we already have.

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Using a computer expert and the services of a photocopy and printing agency, we have already acquired a reasonable capacity for desk-top publishing in Cape Town. With renewed funding we can expand our work in this area. The need is great and once our office is located here we can reach a much wider audience.

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As we have stated in our reports, South Africa is seminar-saturated. We can only welcome this fact. The seminars not only permit an exchange of ideas, they allow key persons from various intellectual and political constituencies to get to know each other and become accustomed to courteous and sincere debate.

Our concern is to avoid if possible being unduly sucked into the vast amount of organisational work that is required for a good seminar. Our request in this area is accordingly modest.

SPECIAL SUPPORT FROM THE ROYAL NORWEGIAN GOVERNMENT

Support from the Royal Norwegian Government was arranged after the Centre had started functioning in order to deal with certain gaps in the initial funding. It related to two specific areas: superannuation for the Director [myself], and short-term research assistants and special projects. In terms of maintaining the basic integrity of the funding scheme, we feel it would be convenient to retain this special ad hoc support.

SUPERANNUATION.

Due to an oversight, no allowance had been made in the budget request which preceded the launching of the Centre in 1989 for the required contribution to the University of London Superannuation Fund. The necessary deductions would have brought the Director's salary well below that originally contemplated. The Royal Norwegian Government kindly agreed to pay the relevant amount. It is hereby requested that the Foreign Ministry continues with the payments for a further two years, at a slightly raised rate to account for inflation. For convenience, and to get the maximum value for the amount, payment could be made to the same fund in London, pending arrangements for transfer of benefits to South Africa.

SHORT-TERM RESEARCH ASSISTANTS AND SPECIAL RESEARCH PROJECTS

By its nature, constitutional research at this time in South Africa is ebullient and touches on almost every area of life. Persons become available in between jobs for short and intensive bursts of activity. Exiles return with valuable documents and a great deal of experience - they need to be interviewed. Young graduates need to travel and to be introduced to new kinds of work. The normal steady pace of research is inadequate. There are great intellectual returns available for small investment.

This particular piece of funding grew out of a need which emerged shortly after the Centre was launched. That need is even greater today.

SIGNED A. L. Sachs

DIRECTOR

Cape Town 18 January 1992

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