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SACSC —

March 23, 1993.

THIRD & FINAL

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Law Centre of the

University of the Western Cape

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Community Law Centre, Private Bag X17, Bellville 7535, South Africa.
Tel:021 959 3288 Fax:021 959 2411

Director: Albie Sachs
Director's Asst: Susan Rabinowitz

Admin. Sec: Dorothy Williams

March 23, 1993.

I have pleasure in forwarding the Final Financial Report from the University of London in respect of the Grant for the South Africa Constitution Studies Centre from 1 October 1989 to 30 September 1992. Mrs Rowena Kochanowska, the Administrative Secretary, apologised to us for the delay in preparing the report, and we pass on her apology, together with that of ourselves, to you.

You will note that there is a balance of £11,370.13, of which £1000 has been set aside for research to be completed. The remaining sum of £10,370.13 (previously estimated to be £7000) is being left with the Institute of Commonwealth Studies, University of London, in order to maintain a small presence for the S.A.C.S.C. at the Institute. We are employing a post-graduate, South African student, Ms Michelle Adler, on a part-time basis to maintain liaison and to acquire and send materials on request. We are also paying a small fee to the ICS for the use of their premises and their facilities.

I am happy to report that we are well settled in at the Community Law Centre of the University of the Western Cape, and as busy as ever.

Once more, may we thank you for your support.

Yours sincerely

Prof. Albie Sachs
Director.

University of the Western Cape

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Community Law Centre, Private Bag X17, Bellville 7535, South Africa.
Tel:021 959 3288 Fax:021 959 2411

Director: Albie Sachs
Director's Asst: Susan Rabinowitz

Admin. Sec: Dorothy Williams

Ms. Mette Ravn
Head of Division
Royal Ministry of Foreign Affairs
PO Box 8114 DEP
N-0032
OSLO 1

March 23, 1993.

Dear Mette Ravn,

I have pleasure in forwarding the Final Financial Report from the University of London in respect of the Grant for the South Africa Constitution Studies Centre from 1 October 1989 to 30 September 1992. Mrs Rowena Kochanowska, the Administrative Secretary, apologised to us for the delay in preparing the report, and we pass on her apology, together with that of ourselves, to you.

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Once more, may we thank you for your support.

Sincerely

D. Williams

p.p. ALBIE SACHS
DIRECTOR.

Enc. 1.

P.S. copy of letter sent by post

University of the Western Cape

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Community Law Centre, Private Bag X17, Bellville 7535, South Africa.
Tel:021 959 3288 Fax:021 959 2411

Director: Albie Sachs
Director's Asst: Susan Rabinowitz

Admin. Sec: Dorothy Williams

Mr. Aubrey McCutcheon
The Ford Foundation, SA.,
PO Box 30953
Braamfontein 2017
JOHANNESBURG

March 23, 1993.

Dear Aubrey,

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Sincerely

D. Williams

pp ALBIE SACHS
DIRECTOR.

Enc. 1.

P.S. Copy of letter sent by post.

University of the Western Cape

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Community Law Centre, Private Bag X17, Bellville 7535, South Africa.
Tel:021 959 3288 Fax:021 959 2411

Director: Albie Sachs
Director's Asst: Susan Rabinowitz

Admin. Sec: Dorothy Williams

Mr. Lars-Olof Hook
Head of Section
Secretariat for Southern Africa
S.I.D.A.
S 105 25 STOCKHOLM
SWEDEN

March 23, 1993.

Dear Mr. Hook,

I have pleasure in forwarding the Final Financial Report from the University of London in respect of the Grant for the South Africa Constitution Studies Centre from 1 October 1989 to 30 September 1992. Mrs Rowena Kochanowska, the Administrative Secretary, apologised to us for the delay in preparing the report, and we pass on her apology, together with that of ourselves, to you.

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Once more, may we thank you for your support.

Yours sincerely

D. Williams

P.P. Prof. ALBIE SACHS.
DIRECTOR.

Enc. 1

Copy to: Ms. Lena Johanssen
SIDA, Pretoria.

Copy of letter sent by post

Fax (021) 22-2626
Tel (021) 22-2424

1002 NBS Waldorf
80 St. George's Mall
P.O. Box 3684
Cape Town 8000

Ms Lena Johanssen
c/o Swedish Legation
PO Box 1664
PRETORIA
0001

November 16, 1992.

Dear Ms Johanssen,

Greetings from Cape Town!

I'm sending you a copy of the Third and Final Report of the South Africa Constitution Studies Centre, at Albie's request and with his compliments. We are not sure whether you have already received one, so we are making sure that you do.

Also enclosed is a copy of a letter to Mrs Norma Williams at the University of Western Cape giving details of our financial position. We are in the process of relocating in the Community Law Centre at UWC and expect to be settled in our office there within the next few days.

Finally, a flyer of Albie's latest book is enclosed for your interest.

With warm good wishes.

Yours sincerely

Dorothy Williams.



Institute of Commonwealth Studies

University of London
28 Russell Square
London WC1B 5DS
Tel 071 580 5876
Fax 071 255 2160

Date: 6 JUL 1993

Name: SACSC

You have recently used the Institute's fax/prINTER/photocopying facilities and have an outstanding amount of £ 8.81... for use of this equipment.

I would be grateful if you would now pay this amount promptly. Cheques should be made payable to 'University of London'.

Rowena Kochanowska
Administrative Secretary

Please pay.
A.L. Sachy
3/8/93



University of the Western Cape

Universiteit van Wes-Kaapland

Private Bag X17
Bellville, 7535
South Africa
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Telex: 526661
Telephone: (021) 959-2911

Privaatsak X17
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Suid-Afrika
Telegram: UNIBELL
Teleks: 526661
Telefoon: (021) 959-2911

Dir. line/lyn **959 3288**

Dept. *Community Law Centre*

Ref./Verwys.

Mr. Lars-Olof Hook/NL
Secretariat for Southern Africa
SIDA
S 105 25 STOCKHOLM
SWEDEN

January 19, 1993.

Dear Mr Hook,

In response to your letter of December 12, 1992 which took some time to reach us, I have pleasure in forwarding to you a copy of the Third and Final Report for the present phase of operation of our Centre, together with a covering letter sent to Ms Lena Johanssen. We have been pressing the Administrative Secretary of the Institute for Commonwealth Studies for a final Financial Report and we hope that it will soon be forthcoming. We will thus have presented you with annual narrative and financial reports for the 3 years of operation of the Centre in London, culminating with our re-locating to Cape Town.

We have pleasure in sending you, under separate cover, copies of the book *ADVANCING HUMAN RIGHTS IN SOUTH AFRICA* (Oxford University Press, Cape Town), which emerged from the work of the Centre.

May we take this opportunity of thanking SIDA for its support for the 3 year period and for its contribution towards enabling us to relocate in the Community Law Centre at the University of the Western Cape.

Yours sincerely

ALBIE SACHS
Director.



For attention: Albie Sachs - 2 pages

DW 14-1-93

1992-12-18

Regional Department
for southern Africa
Lars-Olof Höök

Institute of Commonwealth
Studies
Att: Ms Dorothy Williams
27-28 Russel Square
London WC1B 5DS

Your ref.

Our ref.

1.11.1 Inst of Commonwealth
Studies

Final reporting of financial support 1989/91

Referring to our letter of 29 March 1992 we would like you to submit to SIDA the final narrative and financial report of the project South African Constitution Studies 1989/91.

Yours sincerely,

Lars-Olof Höök
Head of Section

Bilagor: Letter 1992 03 29

570-008 DB 856716

Address
S 105 25 STOCKHOLM, SWEDEN

Office
Birger Jarlgatan 61

Telephone
Nat 08-728 51 00
Int +46 8 728 51 00

Telegram
sida stockholm

Telex
11450 sida sthlm

Telefax
673 21 41

Postgiro
1 56 34-9



1992-03-29

Secretariat for
Southern Africa
Helene Wede

Institute of Commonwealth
Studies
Att: Ms Dorothy Williams
27-28 Russell Square
London WC1B 5DS
GREAT BRITAIN

Our ref.
1.11.1 Inst of Commonwealth
Studies

**FINAL REPORTING OF FINANCIAL SUPPORT AND
PROPOSITION REGARDING THE USE OF REMAINING BALANCE**

SIDA has made an inventory of all Humanitarian Assistance to Southern Africa, 1985/86 until 1990/91. The Institute of Commonwealth Studies has received the following contributions for support to the South Africa Constitution Studies;

1989/90 - 1991/92	SEK 1.452.000
1990/91	SEK 610.000
TOTALT	SEK 2.062.000

We have received continuous reports on financial accounts and the activities performed since the project was started up in 1989. We look forward to receiving the final narrative and financial reports as soon as the project is finished, that is during the autumn of 1992.

Finally, with reference to a letter 20 March 1992 from director Albie Sachs, you are hereby authorised;

- to use the underspent funds covered by budget items Research Assistants and Publications respectively, to make up for the shortfall on Travel, as specified in paragraph 3 (3) of dr Sach's letter.

- to use the as yet uncommitted balance for the purposes mentioned in paragraph 2 of dr Sach's letter.

Yours sincerely,

Christina Regnell
Head of Section

570-008

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Mrs Rowena Kochanowska
Administrative Secretary
Institute of Commonwealth Studies
University of London
27 Russell Square
London

January 19, 1993.

Dear Rowena,

Fax No. 0944 71 255 2160

I hope you had a good break and that the year is starting well for you.

Could you please give Michelle a copy of the final Financial Report for SACS Centre, indicating the small balance available for maintaining our "toe-hold" at the ICS.

Sincerely

ALBIE SACHS.

Dear Rowena,
Herewith copies of letters sent off yesterday in response to another request from SIDA for reports. Hope all is well with you & I.C.S.

Dorothy.



Regional Department
for southern Africa
Lars-Olof Höök

1992-12-18

1992 12 22 -019195

Institute of Commonwealth
Studies
Att: Ms Dorothy Williams
27-28 Russel Square
London WC1B 5DS

Your ref.

Our ref.
1.11.1 Inst of Commonwealth
Studies

Final reporting of financial support 1989/91

Referring to our letter of 29 March 1992 we would like you to submit to SIDA the final narrative and financial report of the project South African Constitution Studies 1989/91.

Yours sincerely,

Lars-Olof Höök
Head of Section

Bilagor: Letter 1992 03 29

570-008 DB 856716

Worksheet1

FINAL FINANCIAL REPORT FOR DR SACHS' GRANT FOR THE SOUTHERN AFRICA CONSTITUTIONAL STUDIES CENTRE
OCTOBER 1989-SEPTEMBER 1992

Original Budget	Expenditure Oct 1989 - Sept 1990	Expenditure Oct 1990 - Sept 1991	Expenditure Oct 1991 - Sept 1992
£			
93,426.00 Director	37,479.99	41,331.03	40,188.84
50,547.00 Research Assistants	1,778.18	29,157.52	37,928.24
31,797.00 Secretary	10,724.73	12,040.66	-13,087.65
24,000.00 Travel	434.70	15,939.40	20,645.14
22,500.00 Publications	4,863.36	2,307.33	7,511.27
7,500.00 Seminars	1,266.69	5,642.69	1,024.53
15,000.00 Office	1,522.83	2,420.88	7,336.60
10,000.00 Equipment	12,658.62		
24,000.00 Overheads	6,667.00	8,000.00	9,333.33
Relocation to S Africa			4,777.58
<u>278,770.00 TOTAL</u>	<u>77,396.10</u>	<u>116,839.51</u>	<u>141,833.18</u>

INCOME

138,787.47 SIDA GRANT 1	
57,057.18 SIDA GRANT 2	
81,832.00 FORD GRANT	
63,880.27 RNMFA	Director's salary (£18,880.27) and Research Assistants (£45,000)
3,160.00 SIDA TRAVEL GRANT	
1,819.00 FES	Travel
703.00 UNESCO	
200.00 FIVE FREEDOMS FORUM	
<u>347,438.92 TOTAL Income</u>	
<u>336,068.79 minus expenditure</u>	
<u><u>11,370.13 BALANCE</u></u>	

University of London

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Institute of Commonwealth Studies, 27-28 Russell Square
London WC1B 5DS Tel:071 580 5876 Fax 071 255 2160

Director: Albie Sachs

Admin. Sec: Dorothy Williams

WINDING UP OF ACCOUNTS FOR FIRST PHASE OF OPERATION (1ST OCTOBER, 1989 TO 30th SEPTEMBER 1992).

SUMMARISED REPORT (Figures given in POUNDS STERLING)

1. UNSPENT AMOUNTS AS OF NOW (After current commitments are met)	EXPECTED OVERSPENT ITEMS (After current and final commitments are met)
Research Assistants + 50,113	Travel -17,651
Publications Support+13,000	Equipment - 2,656
Seminars + 2,000	Salaries -15,000(Director)
Office Supplies + 3,000	- 5,000(Secretary)
TOTAL + 68,113	TOTAL -40,307

2. AMOUNT AVAILABLE NOT YET COMMITTED +27,806

IT IS PROPOSED that this balance be used as follows:

Research Assistants, Publications and Seminars	15,000
Relocation expenses	7,000
Contingencies, to be carried forward if not used	5,806
TOTAL	27,806

3. RECONCILIATION OF UNDERSPENT AND OVERSPENT BUDGET ITEMS

1. The use of budget item Office Supplies to cover the Overspend on Equipment has already been authorised by the Funders.
2. The use of funding for Research Assistants to pay for the standard increases in salaries as determined by the University of London, has similarly been authorised.
3. IT IS REQUESTED that the Donors authorise payment of £10,000 from Research Assistants, and £7,523 from Publications Support to cover the overspending on Travel. Supervision of Research Assistants in London and Johannesburg, and management of publications in London and Cape Town

necessitated frequent travel by the Director. Basically the unfolding situation in South Africa demanded far more travel in order to further the objectives of the Centre than had been originally contemplated. Travel was between London, Johannesburg and Cape Town.

4. Donors are accordingly asked to authorise:

- (i) The use of underspent funds covered by budget items Research Assistants and Publications respectively, to make up for the shortfall on Travel, as specified in para 3 (3);
- (ii) The use of the as yet uncommitted balance for the purposes mentioned in paragraph 2 above.

ALBIE SACHS

DIRECTOR

London, March 20, 1992.

REPORT FOR END OF THE FIRST PHASE OF OPERATION 1989 - 1992

The three years for which funding was initially supplied to the Centre will end on 30th September, 1992. If (as is expected) sufficient funding comes through, for a second phase of two years, the Centre will relocate on that date from the above address to the University of the Western Cape (UWC), South Africa. We present this as a winding-up report on the understanding that the future funding for the Centre will be processed by the Finance Department of the UWC. The report deals only with financial aspects of the terminal period of the present three year period of operation. A full review of the functioning of the Centre during this period will be provided at a later stage.

FINANCIAL REPORT

We enclose herewith a copy of the latest report on our finances, received from the Administrative Secretary of ICS, Mrs Rowena Kochanowska, who has for some months been away on maternity leave. The report indicates that the Centre is functioning comfortably within the general budgetary limits. There are, however, some areas of underspending in relation to particular budget items, and some areas of overspending. The position is as follows:

A. UNDERSPENDING

1. RESEARCH ASSISTANTS (Balance as at mid February, '92) 60,613.00

Payments to Researchers since then, and further payments now due	10,500.00
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Balance available as at mid March	50,113.00
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(Note: The Research Assistantship of Firoz Cachalia based at the Centre for Applied Legal Studies comes to an end on 31st August, 1992. Payment has already been made to the Centre for Applied Legal Studies).

2. PUBLICATIONS SUPPORT (Balance as at mid February, '92) 14,696.00

Payments now due, approximately	1,696.00
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Balance	13,000.00
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3. SEMINARS (Balance as at mid February '92) 2,327.00

Further payments now due, approximately	327.00
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Balance available	2,000.00
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4. OFFICE SUPPLIES (balance as at mid February '92)	4,602.00
Payments now due, approximately	602.00
Balance available	4,000.00

5. OVERHEADS (Balance available at mid February '92)	1,333.00
--	----------

(Note: This final amount in connection with accommodation and services will be paid to the University of London so that as at 30th September 1992 there will have been neither over nor underspending.

B. OVERSPENDING

1. TRAVEL (amount overspent at mid February '92)	7,651.00
Further payments now due	2,372.00
Estimated further spending on travel up to 30.9.'92	7,500.00
Total sum to be found for travel to cover actual and predicted overspending	17,523.00
Proposed deduction from Research Assistants:	10,000
Publications	7,523
	17,523.00

2. EQUIPMENT (amount overspent at mid February '92)	2,656.00
---	----------

No further equipment required.

Total sum to be found to cover overspending, to come from Office Supplies, as previously authorised	2,656.00
---	----------

3. SALARIES

Director's salary - balance as at mid February, '92	15,509.00
Estimated further amount required to pay Director's salary up to 30 September '92	15,000.00
Secretary's salary - balance at mid February	3,649.00
Estimated amount required to pay Secretary's salary to 30 September '92	5,000.00

Proposed deductions from Research Assistants

20,000

PROPOSED USE OF BALANCE AS YET NOT COMMITTED

Research Assistants	]	
	]	
Publications	]	
	]	
Seminars	]	15,000
Relocation Expenses		7,000
Contingencies (to be carried forward if not used).		5,806

ALBIE SACHS

DIRECTOR

London, March 20, 1992.

FINAL FINANCIAL REPORT FOR DR SACHS' GRANT FOR THE SOUTHERN AFRICA CONSTITUTIONAL STUDIES CENTRE
OCTOBER 1989-SEPTEMBER 1992

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703.00 UNESCO	
200.00 FIVE FREEDOMS FORUM	

Director's salary (£18,880.27) and Research Assistants (£45,000)

Travel

347,438.92 TOTAL Income	
<u>-336,068.79</u> minus expenditure	
<u>11,370.13</u> BALANCE	

University of London
INSTITUTE OF COMMONWEALTH STUDIES
157 Russell Square, London WC1B 5DQ
Administrative Secretary

15.3.93

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

THIRD AND FINAL REPORT FOR THE PRESENT PHASE OF OPERATIONS

GENERAL

Two CODESAs, one Inaugural Lecture, forty-five papers, keynote addresses and panel discussions, five research projects and one book later, the third and final year of the first phase of operation of the Centre has come to an end. This report is being written in Cape Town one day before the 30 September 1992 as the files and equipment of the Centre's office in London are at the shipping company's warehouse preparatory to voyaging from London. Most of the Centre's activity has been conducted on South African soil and within a few weeks Dorothy Williams and the files and documents of the Centre will emerge here to reunite the office of the Centre with its Director (myself).

PAPERS, KEYNOTE ADDRESSES AND PANEL DISCUSSIONS

This has been a year of virtual non-stop talking, writing and travelling. I attach a list of the major activities in this regard - they cover topics ranging from affirmative action to the future of Zulu and other languages.

RESEARCH

The following research projects were conducted for the Centre and appropriate reports made.

Zubeida Jaffer - Towards a Charter of Women's Rights - experiences of a women in prison, in factories and in the home.

Robin Trew - Towards a Policy on Translation in South Africa

Linda Trew - A short profile of the Chinese community in South Africa.

Michael Kahn - The Botswana Experience in relation to Mineral Rights as a possible model for South Africa.

Hugh Corder - Towards a new system of administrative law in South Africa.

In addition, with the help of the research assistants mentioned below, I did extensive research in relation to the papers given as mentioned above.

RESEARCH ASSISTANTS

Firoz Cachalia completed a second year as Research Assistant under my supervision at the Centre for Applied Legal Studies, Witwatersrand University. He helped to prepare a large number of briefing documents on constitutional questions as well as to organise seminars. He prepared a paper on the Future of Muslim Family Law in South Africa (to which I wrote an introduction) which has aroused considerable interest in Islamic circles and which will be debated at forthcoming seminars and symposia. Firoz was one of the delegates to CODESA 2 and made a notable contribution to the debate on the constitutional position of minorities in a democratic South Africa. His research assistantship came to an end a month ago and I understand that the Centre for Applied Legal Studies is retaining him to carry on with his work there pending a visit to the USA for further post-graduate research.

Paseka Ncholo did research for the Centre in London under my supervision while waiting to defend his PhD. I am pleased to report that he was successful in both endeavours and believe that he will soon be taking up a university appointment in constitutional law in Cape Town.

Louisa Zondo did several months research at the University of Natal (Durban) under the joint supervision of myself and Advocate Pius Langa of the Durban Bar. She is now practising as an advocate at the Bar in Johannesburg and continues to work on the question of constitutionalising rights for women.

Susan Rabinowitz has borne the brunt of day-to-day research in Cape Town and has also been of all-round assistance to the Director.

Zubeida Jaffer, in addition to completing a research project in her own name, has worked for the past three months under the joint supervision of Professor Kader Asmal and myself on the question of a general amnesty for persons involved in State violence and torture.

SEMINARS

As reported before, South Africa is seminar-saturated. The Centre has however been involved in seminars in London. The first has been an informal seminar held on an occasional basis at the Director's office for South African post-graduate law students interested in the ongoing constitutional debate. The second has taken the form of one-day seminars organised jointly with the Institute of Commonwealth Studies on the question of installing democracy in South Africa.

PUBLICATIONS

A number of the papers presented by the Director on various occasions have been published as monographs by the Centre using Desktop facilities. These papers have formed the basis for a second book on human rights in South Africa published by Oxford University Press. The title is "Advancing Human Rights in South Africa" and it is due to be released some time in October 1992. Amongst the themes it deals with are affirmative action, the debate on a unitary state/federal state, social and economic rights, the future of traditional leaders, the relationship between the majority and minorities, active constitutional status for organisations of civil society, the rule of law as an instrument of change, culture and human rights in Africa.

TRAVEL

Most travelling was done inside South Africa. I paid frequent visits to Johannesburg, all the provincial capitals and various other centres. I also visited Swaziland, Zimbabwe, the United Kingdom and the United States of America (the latter as part of a delegation of the Constitutional Committee of the ANC).

BUDGET

A finalised, audited report is being prepared by the Administrative Secretary of the Institute of Commonwealth Studies. A preliminary report indicates that at the end of the three year period a small surplus of between 12000 and 15000 pounds remains unspent. Some of this is being allocated towards relocation expenses. The rest is being retained at the ICS to pay for a part-time assistant who will act as representative for the Centre in London and who will from time to time copy or acquire materials to be sent to the Centre in Cape Town. (Michelle Adler, a PhD student at the Institute of Commonwealth Studies)

Spending has in broad terms been made according to budget estimates. From time to time the donors have been called upon to authorise transfers from one budget item to another, which they have always kindly done.

THE CONSTITUTIONAL DEVELOPMENT IN SOUTH AFRICA AND THE FUTURE OF THE CENTRE

The South Africa Constitution Studies Centre is dead. Long live the South Africa Constitution Studies Centre!

The Centre is about to begin a new life housed in the Community Law Centre of the University of the Western Cape. Its task is not yet complete, if it ever will be. The constitutional debate in South Africa has acquired a sharp form. The need for cool reasoning based on fundamental principles of democracy and human rights, is greater than ever. The Centre has encouraged the idea that people should in their own voice spell out the rights that they claim for themselves within the context of a system of rights for all. Thus, I have encouraged the Disabled People of South Africa to formulate the rights which they claim in a new South Africa, which they have done in the form of a draft Charter of Rights for Disabled People.

I have also promoted the idea of religious bodies getting together on an interfaith basis to achieve a consensus on the rights of belief and worship in a new South Africa and am happy to report that as a consequence the South African section of the World Council of Religion and Peace has produced a draft Charter of Religious Rights. (This body represents various Christian denominations, Muslims, Jews

and Hindus). I am also in touch with persons in the Catholic Church specially concerned with the question.

Direct contact with lesbian and gay activists has also produced proposals for the protection of rights of gay men and lesbian women.

Considerable work is being done in various parts of the country on the question of a Charter of Women's Rights to be attached to the new Constitution and the Centre is also making a contribution in this regard.

The question of workers' rights is also receiving considerable attention and the Centre has made proposals for how these might be incorporated in a Bill of Rights, a Charter of Workers' Rights and a Labour Code.

Finally, an increasing amount of my time as Director of the Centre has been spent on what I refer to as the principles governing the principle of affirmative action (responsibility, security, equity, inclusiveness, proportionality, accountability and flexibility). This has brought me in touch with a number of business organisations. The basic question has been how to establish a constitutional framework of principles, institutions and procedures which will ensure that black advancement in all spheres of life and especially in the economy, takes place in a rapid, orderly and principled way.

All these activities relate to what has been referred to above as organisations of civil society. Fortunately, during all the heaving and breakdowns of constitutional negotiations at the political level, work and thought at the level of civil society has never ceased. This means that a future Bill of Rights will be buttressed by considerable popular and specialist intervention and involvement.

At the time of preparing this report, the prospects seem good of negotiations over the Constitution resuming. At CODESA 1 I was directly involved in the group responsible for the preparation of the Declaration of Intent and at CODESA 2 participated in Working Group 2 which was responsible for agreeing on general principles which would underlie a new Constitution and for determining the nature of the body which would have responsibility of adopting a new Constitution. In both these cases I functioned not in my capacity as Director of the Centre but as a member of the Constitutional Committee of the ANC.

I feel it appropriate to record that the research I have been able to do as Director of the Centre has been of considerable use to my work at CODESA, just as participating in the rich and strenuous debates at CODESA has been of major value to my work at the Centre. I expect in future to continue riding the two horses, which should not create any difficulty provided I know which foot is planted on which. In practical terms, the difference lies in what I publish and in what I do not. Everything that I prepare in my capacity as Director of the Centre is placed into the public domain in terms of the normal modes of academic presentation. The work that I do as part of an ANC team tends to be of a more confidential nature. I might mention that many other professors participate in one way or another at CODESA.

Allie Sachs
Director

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

PROPOSAL FOR RENEWAL OF GRANT

SUMMARY:

The Centre requests that it continues to receive funding from SIDA, the FORD FOUNDATION and the ROYAL NORWEGIAN GOVERNMENT for a further two years when its present funding runs out at the end of September this year. The Centre will house itself at the Community Law Centre at the University of the Western Cape instead of at the Institute of Commonwealth Studies in London.

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:

SIDA	130,000
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FORD FOUNDATION	100,000
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ROYAL NORWEGIAN GOVERNMENT	44,000
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BACKGROUND AND REVIEW OF PAST WORK

RESEARCH, IDEAS AND PUBLICATION

When the participants at the Convention for Democratic South Africa, including the ANC and the Government, recently signed a Declaration of Intent committing themselves to work for the achievement of a "united, non-racial, non-sexist democratic South Africa," those of us associated with the South Africa Constitution Studies Centre felt more than a little satisfaction. We had neither invented these words nor put them on the agenda. Yet what we had done was to develop and circulate ideas in South Africa in a way which had contributed both directly and indirectly to their widespread acceptance.

The Centre had of course been only one of a number of bodies attempting to promote a democratic and human rights culture in South Africa. Where we feel we have made a tangible contribution has been in the following two areas:

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.

We have been considerably helped in achieving this by our capacity to engage in desk-top publishing. Publishers of books and journals have their own modes of presentation, house styles, timetables and sales outlets. The Centre has been able with a minimum of delay to get out a series of pamphlets on key issues and place them in the hands of selected persons in both the above-mentioned categories.

Many of the articles were in fact later taken up by journals in different parts of the world. A selection was published in a book put out by Oxford University Press [now being reprinted] under the title: Protecting Human Rights in a New South Africa. A second volume is being put together by the same publishers for publication in March this year. The sequence, however, has been to reach the key thinkers and activists first, and then to publish later, not to publish first and then send copies to selected persons.

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	
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	
Special travel needs	8,000	40,000	

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
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SEMINARS

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

PUBLICATIONS

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.

SEMINARS

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

DIRECTOR

Cape Town 18 January 1992

University of London

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Institute of Commonwealth Studies, 27-28 Russell Square
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.

We are pleased to have the Centre in place and available to support constitutional research during these crucial days. We have worked intensively and, we think, productively. 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.

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

Enc. Financial Report.

University of London

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

Institute of Commonwealth Studies, 27-28 Russell Square
London WC1B 5DS Tel:071 580 5876 Fax 071 255 2160

Director: Albie Sachs

Admin. Sec: Dorothy Williams

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.