Legislative drafting for democratic social change in South Africa

Seidman, Robert

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Boston University
Dear Michael:

We trust this letter finds all well with you. We regret that we didn't know you were in South Africa when we were there last spring. We would have liked to get together somehow. We spent several months in Wits, helping with both national and provincial government officials learn to translate policy into effectively implementable legislation in the course of drafting actual bills. While there, we worked with Gavin Cawthra, Acting Director of the Graduate School on Public and Development Management (P&DM) and Dean Andrew Skeen of the Wits Law School, as well as other colleagues, in preparing the enclosed proposal to establish a South-South Centre at Wits to extend the learning process, not only to others in South Africa, but also in Southern Africa and beyond. As we view it, the proposed Centre could make a significant contribution to the kind of good governance and the Rule of Law necessary to facilitate more effective development.

Because our South African university colleagues are swamped with administrative chores, and our government contacts (see attached letters) are even more overwhelmed by the up-coming elections on top of their regular tasks, they asked us to explore possible sources of funding on our return here. When we called Mr. Robert Kushen, however, he suggested, instead, that we send you the proposal, for the final decision on its utility rests with your office. Initially, Wits needs seed money to establish the Centre -- if possible, beginning in February, 1999: To administer admissions, housing for participants (like those expected from Sri Lanka, classroom arrangements, etc). Eventually, the participants' tuition should enable the programme to stand on its own bottom.

If you would like more background material, we would be happy to send along additional materials describing the work we have been doing in the context of the Boston University Program on Legislative Drafting for Democratic Social Change. These include

* an article describing the five year project (1992-7) which we undertook to assist Chinese drafters prepare draft laws in priority areas listed in the 1989 Five Year Plan;
*two chapters from a book (Kluwer, forthcoming) we have edited with Thomas Waelde (Director of Dundee University's Centre for Energy and Mineral Law Policy) which presents the debates over available legislative theories, and explains the learning process we introduced in China, Lao PDR, Sri Lanka, Mozambique, and South Africa to facilitate government officials' efforts to draft transformatory legislation; and

*the UNDP project document which describes our initial Sri Lankan Mission as the basis for undertaking the currently on-going Sri Lanka project.

Undoubtedly, if you do have an interest, you will also want to talk directly with both our university and government South African colleagues. We list their names and phone numbers for your convenience:

Dean Andrew Skeen, School of Law, University of Witswatersrand, ;

Dr. Gavin Cawthra, Acting Director, Graduate School of Public & Development Administratin, 488-5527/5520;

Mr. Firoz Cachalia, Leader of the House, Gauteng Provincial Government, 498-5658/5501;

Minister of Justice, Dullah Omar (12) 323-8581.

We would be very grateful if you would let us know whether your office has any interest in this proposal.

Sincerely,

Ann Seidman and Robert B. Seidman
Co-Directors, Program on Legislative Drafting for Democratic Social Change

cc: Mr. Robert Kushen, Deputy Director,
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