A proposal to institutionalize a legislative drafting programme jointly managed by University of Witswatersrand Schools of Law and Public and Development Management
Dr. Gavin Cawthra  
Acting Director  
Graduate School of Public Administration and Development Management ('P&DM')  
University of Witswatersrand  

FAX: 011-27-11-484-1755

Dear Gavin,

We are FAXing a copy of the letter we have sent with additional documents requested by Ms. Ursula Roberts of the Open Society Foundation for South Africa in Cape Town. We understand they will be considering the proposal in February.

As advised by Jan Mattsson, Director of UNDP’s Planning Office in New York, we have suggested ways in which -- if the Foundation feels the budget is too high -- it can be cut. At the same time, we have tried to provide the arguments for the larger budget as originally stipulated.

As you will note, we have suggested that she call either you or Andrew Skeen if she has further questions. In the end, as we understand it, the contract would be made, presumably through you both, directly with Wits. We hope this meets with your approval.

Please let us know if you have any questions, comments or suggestions as to how we might help further to get this proposal accepted.

Meanwhile, we wish you and your family the happiest of New Years!

Sincerely,

Ann and Bob Seidman

We hope all this
January 14, 1999

Dean Andrew Skeen  
School of Law  
University of Witswatersrand  
FAX: 011-27-11-339-3427

Dear Andrew:

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As you will note, we have suggested that she call either you or Gavin Cawthra if she has further questions. In the end, as we understand it, the contract would be made, presumably through you both, directly with Wits. We hope this meets with your approval. Please let us know if you have any questions or suggestions for how we might help in this matter.

Meanwhile, we wish you and your family the happiest of New Years!

Sincerely,

Ann and Bob Seidman
October 26, 1998

Ms. Ursula Roberts  
Open Society Foundation for South Africa  
Colinton House, Norwich Oval  
1 Oakdale Road  
Newlands, 7700  
South Africa  

FAX: 011-21-683-3550

Dear Ms. Roberts:

Thank you for your FAX of 8 January. As you requested, we enclose our curriculum vitaeas, and several documents relating to the theory and methodology of legislative drafting and its importance for implementing policies of democratic social change and good governance. These include:

1. "Beyond Contested Elections: The Processes of Bill Creation and the Fulfillment of Democracy's Promises to the Third World" (Harvard Journal of Legislation): An analysis of the difficulties confronting many third world countries in their efforts to draft legislation to initiate the institutional change required for effective social change.


4. Ann Seidman, Robert B. Seidman and Judy Parsons, MANUAL OF LEGISLATIVE DRAFTING TECHNIQUES FOR DEMOCRATIC SOCIAL CHANGE (to be published by Kluwer; this is a very rough first draft).

We also enclose a minimum budget required to institutionalize
the proposed Legislative Drafting Programme at Witswatersrand University. Essentially, this budget would provide funding for the initial establishment of the Programme, providing external teaching staff, administrative capacity, and office and classroom space. We add budgets for two additional aspects of the Programme, one that would help to speed up the process of training local staff, and a second that would make possible the immediate participation of personnel from SADC countries.

The proposed minimal budget rests on two premises. First, it leaves out the proposal for intensive training of the Programme staff in Boston University. Instead, we would do our best, in the first two years of the Programme, to equip the necessary Law School and P&DM staff with the legislative drafting theory, methodology and techniques by involving them in teaching the participants; that is, we would provide them with on-the-job training by engaging them in developing and institutionalizing the proposed learning process.

The minimal budget also leaves out a proposal for funding for 10 scholarships. We assume that South African participants would largely be funded by their departments, as were those who took the classes we taught in the Wits Law School in 1998. In addition, we would expect that participating officials from neighboring countries would receive financial support from their governments or other donor agencies. In the past, responsible authorities of Zimbabwe, Namibia, Zambia and Mozambique have indicated an interest in the Programme at Boston University, but could not afford the much higher travel, tuition, and living costs entailed. We assume they will find it easier to finance sending personnel to South Africa. We expect, too, that additional participants from other regions of the South would come. The UNDP funded 50 participants from China, 13 from Sri Lanka, and 8 from Lao PDR to take part in the Boston University Programme. The UNDP in Sri Lanka had responded favorably to the proposal that additional Sri Lankans come to South Africa for training this year, but without administrative capacity on the ground to resolve the problems of housing, etc., for them, it proved difficult to get the Programme underway.

Based on experience of the Boston University Programme, with adequate seed money for administration, we believe the Wits Legislative Drafting Programme could become self-financing within a year. With as widespread publicity as possible, and using our contacts as well as those of others in the region and throughout the South, we would anticipate that the Programme would expand gradually as a center for teaching and research related to legislative drafting for democratic social change and good governance.

The minimum Wits Programme Budget would include:

1. Staffing and lecturing:

   Academic staff member
(lecturer scale - one year from September, 1999): R140 000
Administrative support - part time (one year): 80 000
Stipend - Seidmans (US$15 000 X 2 @ 5.5): 165 000
Travel - Seidmans (US$3 000 X 2 @ 5.5): 33 000

2. Overheads and operating costs

Office space and classroom rental: 50 000
Telephones, postage, stationary: 30 000
Transport (2Xtrips to Cape Town plus accommodation): 8 000
Sundries: 3 000

Sub-total: R509 000

PDM surcharge @ 20%: 118 000*

Total: R627 000

* P&D&M levies a 20 percent cost recovery fee on expenditures on all programmes. This covers computer costs (including networks), library costs, faculty costs, certification costs, security and general services, support and common costs of the school.

If more funds were available, a more expanded budget would enable the Programme to develop more rapidly, with a greater impact, particularly in Southern Africa, but also throughout the South. First, it would include expenditures for intensive training for the proposed local staff in the four month Boston University Program. With that training, from the outset they could carry a laboring oar in developing the teaching and research required to strengthen legislative drafting capacity, and to produce high quality legislation. In that context, our role would include some teaching as seemed useful, but would become primarily advisory in improving the learning process, and helping to produce the necessary drafting handbooks and other materials.

Tuition and costs for three staff members to attend the four month Boston University Program in Legislative Drafting for Democratic Social Change

Per participant
Tuition: US$10 285
Board and room @$1250/month X four months: 5 000
Health insurance: 250
Airfare: 1,500
Total per participant: $16 785
X 3: $50 355

Total in SAR @ 5.5: R276 953

Second, additional funds could provide ten scholarships for
officials from neighboring SADC governments' legislative drafting offices. This would enable the Wits Programme, from the outset, to service expressed needs without requiring the scramble for funds that too often delays essential training. Since, as one aspect of the Wits Programme, those who participate will learn how to teach legislative drafting in the course of working with their colleagues on further legislation to meet their countries' needs, this could have a significant multiplier effect.

Cost of ten scholarships for the first course

10 X tuition fees @R20 000..............R200 000
10 X accommodation fees@ 250x100 days.... 250 000

Total..................................................R450 000

Regardless of whether available funding provides only for the minimum Programme, or covers either or both of the two extra elements necessary to assist neighboring countries to expand their drafting capacity to produce priority legislation, we certainly will do our utmost to ensure that the Wits Programme succeeds.

If you need further information about the costs of the Administration of the Wits Programme, it might be best if you called either Dean Skeen or Dr. Cawthra.

Please let us know if we should send you anything further.

Very truly yours,

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

cc: Dean Andrew Skeen
School of Law
University of Witswatersrand
FAX: 011-27-11-339-3427

Dr. Gavin Cawthraw
Acting Director
Graduate School of Public Administration and Development Management ('P&DM')
University of Witswatersrand
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