A proposal to institutionalize a legislative drafting programme jointly managed by University of Wtswatersrand Schools of Law and Public and Development Management

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Boston University
November 16, 1998

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

Dear Andrew:

We enclose a letter we received from Michael Savage of the Open Society Foundation, and our response. We hope that, although it has proven impossible to set up the Centre in 1999 as originally hoped, the possibility still exists if funding proves forthcoming.

We have not heard from you for a long time, and would very much appreciate it if you would send us a line or two to indicate whether the Wits School of Law still has an interest in helping to establish the proposed Centre in 2000. If not, we need to know, for we would then proceed to look for other venues.

All the best to you and our colleagues in Wits.

Sincerely,

[Signature]

Ann and Bob
December 5, 1998

Dr. Michael Savage
Executive Director
Open Society Foundation for South Africa
Colinton House, Norwich Oval
1 Oakdale Road, Newlands, 7700
South Africa

FAX: 011-27-21-683-3550

Dear Michael:

It was good to get your letter. It would be nice to get together on one or the other continent. It looks likely, though, that we will not be coming to SA in early 1999 as we had hoped. If you happen to come to the States in the next few months, however, do call us (H: 617-266-9303; O: 617-353-3140) and come canoing in Maine (before April 1) or for a sail (after April 1) -- or at least for dinner in Boston.

We remain most interested, if possible, in getting a South-South legislative drafting centre established in South Africa. To ensure legitimate action by officials and citizens everywhere in the South, government policy must ultimately find its way into a law, broadly conceived -- a statute, regulation, subsidiary legislation, administrative rule, and so forth. Translating policy into law constitutes the daily task of legislative drafters and line department officials concerned with legislation.

We have received a large number of queries, not only from African countries (South Africa, Tanzania, Mozambique, Zimbabwe, Namibia, and Zambia), but also from other southern regions (including Lao PDR, Sri Lanka, China, Indonesia and Bhutan, and elsewhere), about how to improve their capacity to draft effectively implementable legislation. Given its central location, its history, and the interest its faculty members have expressed, South Africa seems an ideal place for establishing a Legislative Drafting Centre. That would both provide a convenient South-South venue for enabling not only legally trained but other concerned government officials from South Africa and other countries to learn the legislative theory and techniques needed to conceptualize and draft the kinds of bills needed to translate policies into effectively implementable legislation. It could also create a South-South Centre for stimulating needed research on the use of law for good governance and social change. Indeed, such a Centre might coordinate with, and make an important
contribution to, the on-going, expanding efforts to formulate and implement improved legislation elsewhere in the world, including the countries in transition in the former 'second' world. As we understand it, these constitute the reasons for Mr. Kushen's suggestion that we send the proposal to you.

We look forward to hearing how things turn out at your February meeting, and especially to seeing you if you happen to come this way in the next few months.

Sincerely,

Ann and Bob Seidman
17 November 1998

Ann & Robert Seidman
Program on Legislative Drafting
for Democratic Social Change
School of Law, Boston University
765 Commonwealth Avenue
Boston, Massachusetts
02215

Fax: 091-617-353 3077

Dear Ann and Robert

Good to hear from you – we seem to be continent hopping as I have just returned from three months in NYC with the OSI but was here when you were visiting in spring. It seems that we must stabilise and arrange to meet. I was pleased to hear that you were working with P&DM, as we have a long relationship with it in the area of training for local government. Likewise with Dullah Omar in helping to establish a Bureau for Justice Assistance within the Ministry.

I will take your application for support to the next Board meeting. Unfortunately it arrived too late for consideration at our early November meeting and thus it will only be able to be considered at a meeting scheduled for 20 February 1999.

We have had an application before to support a programme in the area of legislative drafting from an American university working in partnership with South Africans. The Board declined support, as it then did not wish to become involved in this area of work, which it saw as outside its major operational areas. I mention this as I would like to be realistic and not raise any false expectations. It may be that the Board in considering your application will now wish to enter the area but I am doubtful of this given the pressure on the resources available to us for our work and the diversity of this work. However, all that is background information to ensure that you know the date of the next Board meeting and what the previous position of the Board has been regarding support for work in the area.

I will be back in touch with you in February.

With best wishes,

Michael

cc: Rob Kushen, OSI
CONFIRMATION REPORT

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