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

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Boston University
Dear Premier,

The time rapidly approaches when we must return to Boston (on Wednesday next). We did want to write and tell you much we found interesting in the work we were privileged to do with your office. We regret that the effort to transform the Gauteng law-drafting system seems for the time being to have aborted; we do hope that in future, when elections and other more pressing problems have passed, that that initiative will restart.

As you may have heard, with the Schools of Law and of Public and Development Management here at Wits, we have been looking to initiate a permanent programme in legislative drafting at Wits that will build on the courses that we have taught this past term. We enclose a draft description of that programme.

In connection with that programme, of course we are looking for funding. That search will be enormously facilitated if you as Premier could find your way clear to support it. Self evidently, foreign and international aid agencies will far more likely support such a programme if it has the support of responsible governmental officials, rather than only academics. A letter from you indicating support would prove, we think, not only helpful but decisive.

In the hope that you decide to write such a letter, we have taken the liberty of writing a possible draft that you might find convenient to sign; we trust that you will not find doing so presumptuous. If you do decide to send the letter, do send it to the Dean, the School of Law, here at Wits; and do FAX us a copy.

Once again, our warm gratitude for the opportunity of working on both the Community Courts Bill and on the problems of the legislative drafting system in Gauteng. And to you, your wife and daughter, our warmest felicitations.

Ann Seidman and Robert B. Seidman
Visiting Professors of Law
University of the Witwatersrand
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As ever,

Ann Seidman and Robert B. Seidman
Visiting Professors of Law
University of the Witwatersrand
June 4, 1998

Professor Andrew St. Q. Skeen
Acting Dean, School of Law
University of Witwatersrand
Johannesburg, South Africa

FAX:

Dear Dean Skeen:

I have been asked to write a letter indicating my support for the proposed programme in legislative drafting at the University of Witwatersrand, the prospectus for which I have read. It has become increasingly apparent that a major bottleneck in our efforts to transform our legacy of apartheid-shaped institutions lies in the drafting process. Our government has studied extensively the policies involved in transformation. We have had severe difficulties, however, in translating those excellent policies into effective programmes that actually change those inherited institutions. Policy alone does not change institutions. Only effective, implementable laws do that. Plainly, we have a great need to build capacity among our officials not only in formal legislative drafting techniques, but also in the craft of translating the broad strokes of policy into the detailed, implementable provisions of competent legislation.

Today, save for a course taught this past semester at Wits, South Africa -- indeed, as I understand it, the entire southern hemisphere -- has never had a course in traditional drafting techniques, let alone one training officials to translate transformatory policy into transformatory law. For us in Gauteng, the proposed Wits course will meet a felt need; and, I believe, for believe for all South Africa as well.

Your programme indeed has my support. I wish you well in mounting it, and in obtaining funding for it.

Very truly yours

Mathole Motshekga
Premier