

COMMUNITY LAW CENTRE
University of the Western Cape

ANNUAL REPORT

JANUARY 1993

to

DECEMBER 1993



INTRODUCTION

The Community Law Centre of the University of the Western Cape hereby presents its Annual Report for the period 1 JANUARY 1993 to 31 DECEMBER 1993.

During the year under review the Community Law Centre (CLC) forged ahead with work at a number of levels. Its members were active on the constitutional development front. In addition the CLC proceeded to develop work around a number of projects. At the same time throughout the year the Director and his assistant, Bulelani Ngcuka continued servicing community organisations which required legal advice and assistance.

There is no doubt that the year 1993 was a crucial one in that it marked the period in which major steps were taken in the transition process from apartheid to a non-racial non-sexist democratic order. The CLC and therefore the University itself was organically involved in the process. It continued its work of influencing the Constitutional debate, the Bill of Rights debate as well as aspects of democratization and empowerment of communities.

CONSTITUTIONAL NEGOTIATIONS

It is necessary to make a few remarks about this matter since the CLC was so intimately involved in the process. 1993 saw the collapse of the first negotiation forum, the Convention for a Democratic South Africa (CODESA). However, it saw later in the year the setting up of its successor, namely the Multiparty Negotiation Process (MPNP). Much of the work accomplished in Codesa was taken over by the MPNP though this fact is often not acknowledged.

Much of the work of the CLC was directly relevant to the MPNP as it had been previously to the Codesa debates in that many of the issues which arose in this forum had been or were being dealt with within the programmes of the CLC as well.

Whilst constitutional law issues in South Africa are matters which require specialists, like lawyers, constitutional law and constitution-making is a matter which affects the whole nation. Rightly or wrongly lawyers are not only technicians in the constitution-making process. They are called upon to mould constitutions and various legal and rights instruments. Whilst they themselves may not be prepared to admit this, their ideology - consciously formulated or unconsciously imbibed - impacts upon the process because what they draft depends on what they think and the values they uphold. Hence lawyers who were presented with the opportunity of participating directly in the constitution-making process, directly influenced the final product.

Members of the University of the Western Cape (UWC) including the CLC were directly involved in the constitutional negotiations and participated at one or more levels in the shaping of the new constitutional dispensation which is now unfolding. In addition to Prof. Kader Asmal, professor of Human Rights Law of the UWC law faculty,

CLC members, Adv. Dullah Omar, Dr Zola SKweyiya, Mr B Ngcuka and Ms B Mabandla were all directly involved. So also was Prof. Albie Sachs, the Director of the South African Constitutional Studies Centre (which also became part of the CLC).

The contribution of the University of the Western Cape to constitutional negotiations and the constitutional development in South Africa has therefore been quite significant. A milestone in this regard was reached when in the latter part of 1993 the MPNP adopted various draft laws to set up an Independent Electoral Commission, Independent Media Commission, Independent Broadcasting Authority and a draft electoral law. The highlight was the adoption in December 1993 of a draft interim constitution which for the first time in the history of South Africa made provisions for elections to be held throughout the country including the four "independent" homelands and six non-independent homelands. The one person one vote election throughout the land is to be for a National Assembly and a Senate at national level and for provincial legislatures at provincial levels. During the course of the negotiations, the parties also agreed to the demarcation of South Africa into 9 provinces.

In the welter of confusion, the issues may be simplified by saying that the interim constitution made provision for two matters:

1. The mechanism and procedure for the drawing up and adoption of a final constitution for South Africa - which was to be done by the Constitutional Assembly, a body consisting of the 400 members of the National Assembly and 90 members of the Senate sitting together; and
2. The governance of the country during the transitional period, that is from the time that elections took place, namely 26, 27, 28 April 1994 until a final constitution was adopted by the Constitutional Assembly.

These are the two basic issues dealt with in the new constitution. The constitution, in addressing the issue of how the country is to be governed during the period of transition contain provisions dealing with a number of matters such as:

- a) The judicial authority and the administration of justice including the creation of a new Constitutional Court;
- b) Fundamental rights during the period of transition;
- c) The creation of the office of Public Protector, a Human Rights Commission, a Commission on Gender Equality and Restitution of Land Rights;
- d) A chapter on local government, traditional authorities, special provisions relating to financial matters including the setting up of a Financial and Fiscal Commission;
- e) Provisions relating to the setting up of a Public Service Commission and the new public service;

- f) Provisions relating to the building up of a new South African police force and defence force.

Finally the constitution defines the territory of South Africa in such a way as to include all the homelands - independent and non-independent. The date of elections is therefore historic for the additional reason that it represents the moment that South Africa is reunited as one country.

Briefly the package of agreements provided for the following:

1. The holding of democratic elections throughout the country.
2. A democratic parliament consisting of a National Assembly and Senate at a national level and provincial legislatures at the provincial level.
3. Government of National Unity for a period not exceeding five years.
4. The next elections to take place five years after the elections of April 1994.

The package in respect of all other matters makes provision for:

- a) Guaranteeing fair and free elections;
- b) Levelling the political playing field; and
- c) Creating conditions for free political activity.

The electoral law as adopted by the MPNC makes provision for a proportional representation electoral system based on party lists at national and provincial levels. Many of the provisions in the constitution and other documents bear the imprint of UWC personnel who participated in the process.

UWC CONTRIBUTION

If we were to look back over the last three years or so, a feature is the role the CLC and therefore UWC has played in the discussion on the various issues which came up at the MPN Council. Many others obviously also played a big role. Some of the work of the CLC which impacted on the constitutional negotiations can be itemized:

1. The first ever conference in South Africa on Electoral Systems was held in Cape Town organised by the CLC. The proportional representation system adopted by the MPNP closely followed the recommendations made at that conference. The conference was attended by experts from different parts of the world as well as delegates representing a variety of organisations and political parties inside South Africa.
2. On gender issues, the CLC held a big conference in December 1990. This placed the issue of gender equality, gender rights and womens rights firmly on the agenda. When these issues were raised by liberation movements during the course of negotiations, many who participated had the advantage of having had their ideas clarified, no matter what those ideas were, as a result of the gender conference.

3. The CLC also organised and held a successful national conference on Affirmative Action. The venue for this was Port Elizabeth and that conference focussed on the constitutional framework for Affirmative Action in South Africa. Once again persons from different parts of South Africa as well as international experts attended. Representatives of a variety of organisations in South Africa attended and benefited.
A book was subsequently published based upon the proceedings at that conference. It may be stated that ultimately, a clause was included in the chapter on fundamental rights in the new constitution, making provision for affirmative action. A constitutional principle was also adopted and the Constitutional Assembly will be bound to implement this principle.
4. The CLC hosted international judges and lawyers to speak on transformation of the judiciary and the legal system. Amongst them were Prof. Michael Tigar, who was the Chair of the litigation section of the American Bar Association and Professor of Law at the University of Texas as well as the former chief justice of India, Judge Baghwati. They brought with them further international experiences in transitional problems.
5. The CLC also organised seminars on the issue of structures of government for a democratic South Africa. This arose out of the need to consider government at national, regional and local levels. In fact the conference came to the conclusion that South Africa being a large country required democratic government at all three levels to be entrenched in a new constitution. It will be recalled that this was one of the most hotly contested issues in the negotiation process. Even as we write, a number of parties still outside the process are not satisfied with the agreements finally arrived at. Nonetheless the discussions organised by the CLC on this issue proved to be of great assistance when the matter arose in the Negotiation Forum.
6. The CLC also organised seminars on the issue of the future of the ten homelands. It helped to clarify the legal position of homelands which even though recognised within South Africa, were not recognised in international law. Three members of the CLC participated in the working groups dealing with the reincorporation of the homelands and the constitutional provisions needed to effect such reincorporation.
7. The CLC also helped to put together a conference which was held in Durban on a Bill of Rights for South Africa. This conference was organised by the Centre for Development Studies also based at UWC. Indeed in all these events there was close co-operation between the CLC and the CDS.

Each of the conferences and events organised by the CLC during the course of this period played an important role in bringing to South Africans of different political persuasions international perspectives and experiences relevant to the issues discussed. Each one also helped to chart a course for South Africa. No doubt - we repeat, many factors went into shaping the final package which emerged from the

negotiation process but one can say with fairness that the work done by UWC in this period helped to shape the foundation of South Africa's new constitutional order.

The role of the CLC in this period, however, was not limited to impacting directly on the national debate at negotiation forums. The CLC also saw its task as being directed to the broader South African community. It had to help to demystify the constitutional debate and to bring the subjects under discussion closer to the people as well as to empower the disempowered communities. The CLC did this by facilitating the participation of democratic community organisations in all their discussions. This aspect of empowerment cannot be overemphasized because South Africa cannot be transformed into a democracy without the active participation of the people of the country. In some small way therefore by involving in all CLC events the representatives of organisations of the oppressed communities, the CLC made it possible to some degree for ordinary people to participate in the constitutional debates.

In addition, all of these involved Adv. Dullah Omar, Dr Zola Skweyiya, Mr Bulelani Ngcuka and Ms Brigitte Mabandla (including Prof. Albie Sachs and Prof. Kader Asmal) addressed numerous meetings and conferences and participated in seminars all over South Africa on constitutional matters.

The year 1993 was therefore crucial for South Africa. Indeed it was the year in which the South African government for the first time conceded that there was no way forward in the constitutional impasse without democratic elections based on one person one vote and dismantling of the homeland system.

Participation by CLC personnel in the constitutional processes as described imposed severe pressures on everyone - not only in the CLC but also in the law faculty and the university as a whole. The CLC is greatly indebted to the law faculty and the university for having made it possible for the CLC to participate in this process. The university can take pride in the fact that our personnel worked extremely hard - more often than not seven days per week throughout the year in the performance of their duties.

LEGAL ADVICE AND ASSISTANCE

The CLC has continued to be of assistance to community organisations, particularly trade unions, civic organisations, youth organisations and womens organisations. These organs of civil society constantly required legal advice and assistance often on an urgent basis. Both the Director, Adv. A M Omar as well as Mr B Ngcuka spared no effort to meet with these organisations and assist wherever possible. Advice and assistance related to constitutional matters, issues of collective bargaining, local government negotiations, problems with the police, housing problems and diffusing conflict situations and conflict resolutions.

PROJECT WORK

At the same time the CLC did not neglect its work relating to the various projects under its jurisdiction. In 1993 the project in which a great deal of work was done in 1993 were the following:

1. The Childrens Rights project.
2. Gender and Womens Rights.
3. The Policing project (which led to the founding of the Community Peace Foundation).
4. The project on Affirmative Action, especially in relation to the judiciary and the legal profession.

PROJECT ON CHILDRENS RIGHTS

This project performed its work under the general direction and supervision of Ms Brigitte Mabandla. The importance of the issue of children and their future in South Africa was raised in the CLC Annual Report for the year ending December 1992. During the year 1992 the CLC placed the issue of children on the agenda in South Africa in a way which made a major impact on the country. A major part of the last report dealt with those matters. The report drew attention to the Childrens Charter of South Africa, which was adopted at the Childrens Summit held on 27 May to 1 June 1992. This historic document in which UWC played such a crucial role has continued to make an impact both nationally and internationally. The conference held subsequent to the Childrens Summit, namely 10 to 13 JUNE 1992 was another historic event supported by UN agencies. This conference too led to increased concern and attention for the plight of South Africa's children.

A Community Law Centre publication on the International Conference on the Rights of the Child followed. This publication has been distributed throughout the country and is being used by organisations and agencies active on the childrens front.

Since then and as a result of the reports published by the CLC, attention began to be directed on the issue of Children in Trouble with the Law, that is the issue of Juvenile Justice. During the year 1993 the CLC decided to make Juvenile Justice a special area of focus. The CLC employed a number of UWC students as youth advocates, namely:

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|---------------------|---------------------|
| 1. Violet Abrahams | 5. Zoelphar Carr |
| 2. Jennifer Eksteen | 6. Alethea Percival |
| 3. Shireen Said | 7. Memory Qqmoyi |
| 4. Prince Maluleke | |

These youth advocates regularly visited courts as well as Pollsmoor prison. At Bellville Magistrate's Court for example, the youth advocates met with the Chief Magistrate, other magistrates handling juvenile matters as well as the senior prosecutor and other prosecutors. They secured an agreement that they would be allowed to interview all juveniles brought to court before their appearance. Youth advocates discussed the plight of the children concerned, asked whether their parents knew where they were and in which way they could be assisted. They not only then communicated with their parents, but also secured legal representation. The youth advocates further discussed the cases with the prosecutors and often magistrates. At times the youth advocates were requested by magistrates to state their views. The same happened at other courts such as Bellville, Goodwood, Cape Town, Mitchells Plain and Athlone. UWC youth advocates have played an important role and continue to do so. They work in close collaboration with all court officials as well as the Legal Aid Board and lawyers organisations such as NADEL and Lawyers for Human Rights.

Early in 1993 the youth advocates under the leadership of the co-ordinator, Ms Michelle Morris, also visited a number of rural areas and investigated the plight of children in trouble with the law in these areas.

In September a conference was organised on Juvenile Justice. At this conference a number of international experts attended from the United States, Canada, Sweden and other countries. Participants came from different parts of South Africa. All of them were persons who in one or other way were trying through their organisations to assist children in trouble with the law. The conference was highly successful and led to the setting up of a Commission, whose task it would be to draft legislation to bring the South African Juvenile Justice system in line with progressive thinking throughout the world.

In this work the CLC has secured the co-operation of the South African police and correctional services as well as the Attorney General and his staff.

The Commission has been meeting regularly and hopes to submit its draft legislation in due course.

The youth advocates, in the meanwhile, continue to go to court and to render the service described. Their experiences are being recorded and the CLC hopes in due course to place these experiences and CLC views before the public.

With regard to the childrens project, the CLC wishes to make special mention of Ms Michelle Morris, who has returned to the US after spending nearly two years with the CLC. Her time at the CLC as leader and co-ordinator under the direction of Ms Brigitte Mabandla, was an extremely fruitful one for the CLC. Ms Morris played an outstanding role in putting the project on its feet and ensuring its success. It is largely as a result of her efforts that the work of the Centre became known throughout the country and internationally. The CLC expresses its gratitude to Ms Morris and hopes that she will continue to assist the Centre in its work even though she has decided finally to settle down in the United States.

GENDER PROJECT

The gender project of the CLC shows a great deal of promise but has not lived up to its expectations. It is, however, a very important project and it is hoped that during 1994 the project will develop and flower as an important arm of our work. Some comment on the project is necessary.

PROJECT DESCRIPTION

The gender resource centre consists of three programmes viz: a database, advocacy for women's rights and research. The focus and progress in each of these programmes is as follows:

1. DATABASE

(a) Objective

The objective of the project is to provide information to students and to non-governmental organisations on women's human rights.

The resource centre hopes also to help to provide material for the envisaged multi-disciplinary gender studies programme which is to be supervised by Ms Kadalie and which is planned to begin in 1995. The centre is collecting material and publications relating to gender studies, in particular research material associated with current constitutional negotiations.

Contact has been established with international women's organisations working in the area of women's human rights, for the purpose of exchanging information and publications as well as establish co-operative programmes with these institutions. The most important of these centres are the Human Rights Clinic at City University in New York; the Women's Global Leadership Centre at Rutgers University.

(b) Progress

It has been difficult to set up the centre because of lack of resources. Initial funding for the project was provided by Carnegie in 1992. When the centre was first conceived, it was expected that it would employ two researchers and a documentalist. However, the money was inadequate for the purpose.

The other problem relates to office space. An office for the project was only provided in August 1993. It is also not adequate for establishing a database and provide working space for researchers and staff. Despite these problems the concept of a gender resource centre is viable and should be pursued.

Funders including Ford Foundation and SIDA have pledged funding for the gender project. This money could be used to employ the necessary staff and for the production and purchasing of publications. Ultimately the database should be linked to the envisaged CLC Human Rights library.

2. RESEARCH

Constitutional Research and the Development of Feminist Legal Theory

(a) Objective:

It is important that black women determine their concerns and conceptualise a South African feminist theory. The centre has sought to make a contribution in this area.

The centre together with other gender specific programmes in the country have contributed to the constitutional negotiations. Constitutional research and the development of legal theory is an ongoing process. It is necessary that the centre pursues this programme.

(b) Progress:

The project has submitted memoranda to negotiators in connection with some of the constitutional questions arising at negotiations with regards to gender.

These memoranda relate to the following:

- (i) Whether the principle of liberty should take precedent over the principle of equality.
- (ii) Whether the Bill of Rights should apply both vertically and horizontally.
- (iii) Whether in the event of conflict between the principle of equality and customary law, the latter should take precedence or not.
- (iv) The project has also submitted a memorandum in relation to the sub-council on the Status of Women set up by the Transitional Executive Council.

A critique of the Charter for Social Justice (a Bill of Rights document) has been published. A paper on women's constitutional rights is due for publication at the end of February. Extracts of this paper have been used for advocacy purposes.

In May 1993 the project hosted a conference on the "Impact of Custom and Religion on Women in a Post Apartheid Dispensation". It was attended by rural women, religious women, traditional leaders, local academics and international experts. It provided the basis for meaningful intervention in constitutional negotiations. The memoranda relating to customary law submitted to the Multi-Party Negotiations Process were influenced by the debates at this conference.

The conference also enabled some organisations such as the Women's Alliance and NADEL to advance their own gender programmes. The report of the conference is due for publication in the period of February-March 1994.

3. ADVOCACY

a. Objective

The gender project is conceived as a mechanism for the empowerment of women. It is for this reason that it has an advocacy programme for the creation of awareness of women's rights. One of the prerequisites for effective advocacy is the establishment of working relations with other women's organisations.

b. Progress

The project has succeeded in linking up with other women's formations and civic organisations. Accordingly, the co-ordinator has been called upon to facilitate awareness raising programmes of other agencies. The centre has also had collaborative programmes with other organisations such as NADEL, the Women's Coalition and the Women's League. The project has been part of strategic planning for lobbying negotiating parties.

CONCLUSION

The project has great potential, if enough money is found and used to employ more staff and set up a proper resource centre. In the period 1994-1999 it should focus specifically in the development of feminist legal theory as this is the time when the constitution will be tested.

When the new constitution comes into effect, there will be a need to develop legal education manuals so as to help in the teaching of women about their constitutional rights.

POLICE PROJECT AND THE FOUNDING OF THE COMMUNITY PEACE FOUNDATION

A project which has become extremely important not only for the CLC but for the university as a whole as well as in the South African context is the policing project. This project has developed very successfully under the leadership of Prof. Clifford Shearing, who is professor of Criminology at the University of Toronto but who took time off to spend at the Community Law Centre. He continues to head the project, but in practice it is now his Deputy, Dr Paseka Ncholo, who manages the project and is very heavily involved in its day to day work. As a result of the work which was done during the 1992 and an assessment of the needs of the situation, the Community Law Centre decided to set up the Community Peace Foundation project. This is the form that the policing project has now taken. This project has attracted considerable attention nationally and internationally. It enjoys international support, including support from the British government, Canadian government, Swedish government and Dutch government.

The Foundation has three main areas of foci, that is: Policing Policy, Police Training and Community Safety.

Marshal Training

By the year end 1993, the Foundation had undertaken training for approximately 200 marshals to manage demonstrations and marches in the run-up to the April 27 elections for the Western Cape. It also facilitated the training of marshals in the Wits-Vaal area and hopes to extend this throughout the country in collaboration with the Commonwealth Observer Mission in South Africa (COMSA). The marshal programme is sponsored by the British Government.

Lateral Entry

The Foundation has also run training programmes for people who are likely to play a crucial role in Policing Policy making and advising after the democratic elections of 27 April 1994. This involved training in South Africa and the United Kingdom. In this regard it has been arranged for the sponsors to go to London on 29 January 1994 for a six week Policing Policy Training Programme sponsored by the British Government.

Radio Programme

A radio programme was launched in September/October 1993 in Peace FM. The main objective was to impart conflict resolution skills to the mass of people who do not have access to professional training, using the mass media. The programme was a huge success which led to a phone-in programme towards the end of October 1993.

The Foundation has also secured a permanent place in the Community/Police sub-committee of the Western Cape Regional Committee as a result of its work in the area of creating safety and security in many communities, e.g. Crossroads, Guguletu, Bonteheuwel, etc. The Foundation is engaged in mediation services in the townships where there is conflict between communities and the Police.

Working Group on Community Policing

The Foundation has undertaken research in the area of policing, together with other NGO's. The objective is to feed into a policy process on policing matters. Together with its researching partners, the Foundation has made several policy recommendations to the Police Board on Community Policing issues.

Networking

The Foundation has links with international organisations like Amnesty International. It also hosted a Dutch Police Mission which visited South Africa in September 1993.

SAP

The Foundation conducts a number of research and training programmes geared towards transforming the SAP and creating space for lateral entrants and supporting progressive elements within the police like POPCRU.

Community Safety Programme

The Community Safety Programme has developed from a community policing trainign programme to one which encompasses training, research, sectoral educational programmes, community consultaiton and theatre. This development necessitated the employment of 8 community workers and two facilitators.

Guguletu Training Programme

PHASE 1 of a training programme was successfully held for members of the South African National Civic Organisation (SANCO), Guguletu, from August to October 1993. A detailed report of this programme was published and distributed.

PHASE II of this programme has been delayed due to capacity programmes in Guguletu and the absence of fieldworkers. It is being incorporated into the present programme for Guguletu. The success of the Guguletu training programme has facilitated the expansion of the Community Safety Programme because it created substantial confidence in the nature and content of the training given.

PROJECT 1: COMMUNITY PARTICIPATION IN POLICING AND SECURITY

Project 1 of the Community Safety Programme entails the following:

- * Targeting of Guguletu and Bonteheuwel as test cases for broad community participation in policing and security.
- * Developing a problem-solving approach to "crime" and issues affecting safety.
- * Creation of an infrastructure through which safety and security could be developed and sustained.
- * Expanding the experience gained through the Guguletu and Bonteheuwel programme to Nyanga, Khayelitsha and Mitchells Plain and a rural area to be decided upon.

PROJECT II: DEVELOPMENT OF RESOURCE

Project II runs concurrently with Project 1. The emphasis of Project II will be the development of resource material appropriate to the training needs of the various sectors in the community with the priority of reaching the illiterate and semi-literate. This will be done through:

- * The creation of audio-cassette productions in 3 languages on the themes relevant to community safety.
- * The production of thematical posters directed at different and all sectors of the community.

Project II is intended to enhance and exploit the learnings of Project I and will be directed at the construction of viable models based on the experience of the two targeted areas, and presented as policy recommendations to local authorities and other appropriate bodies.

Nyanga Training Programme for the SAP

We were requested by the SAP to conduct a training programme for members of the SAP based at the Nyanga police station. This training was conducted over 6 half days. The first three days were completed in September and the last three days in November 1993. A full report and assessment of this work will be available soon.

ACHIEVEMENTS OF 1993

Achievements in 1993 included the following:

1. The development and testing of a 52 hour course on community policing.
2. The development of a Flexible Training Programme to be used in the private sector as well as the community.
3. Training of Nyanga South African Policemen in Community Policing.
4. Completing Research on the internalisation of the policy of community policing and assessing the influence of race, rank and gender on the respondents perceptions and approach to community policing.
5. The initiative of a forum on the policing of women's issues.

PROJECTIONS FOR 1994

Plans for 1994 include:

1. The development of structures to facilitate community safety in 6 areas, 5 on the Cape Flats and 1 in a rural area.
2. The creation of a resource library containing audio, visual, audio-visual and written material on community safety.
3. Community theatre production on community safety to be staged in the different communities.
4. Policy proposals based on the experience of community safety programmes.

AFFIRMATIVE ACTION PROJECT

The question of Affirmative Action remains a highly contentious one and is likely to continue to dominate the political scene for the foreseeable future. At the heart of the problem is the perception by a significant number of people, particularly from the white section of society that affirmative action would result in reverse discrimination. By and large this perception arises from a misunderstanding of the concept of affirmative action and how it works in practice. Our work in this project was thus designed to respond in a concrete and practical way to these fears and concerns.

During the period under review members of the CLC participated and delivered papers in various workshops throughout the country. These proved very useful as they gave us access to institutions which were traditionally inaccessible to the Centre.

The major portions of our work was devoted to the judiciary. In March 1993 the Centre organised a conference entitled "Towards a Non-Racial, Non-Sexist Judiciary for a Democratic South Africa". The conference was attended by lawyers from all over the country, the majority of whom were from the disadvantaged communities. It was also attended by foreign experts from countries such as Sweden, Netherlands, France and Uganda. The conference considered issues such as the structure of the judiciary, method of appointment of judges and magistrates, affirmative action and independence of the prosecution. One of the resolutions of the conference was that the Community Law Centre should facilitate training for members of the disadvantaged groups in order to equip them with the necessary judicial skills in anticipation of the restructuring of the South African judicial system.

As a follow-up to the conference the Centre set up in September 1993 an International Training Panel to examine the need and the context of judicial training. The panel was composed of:

Prof. Holmstrom of Sweden, the Honourable Mr Justice Allen M Linden of Canada, Prof. G Werle of Berlin and Prof. J Patzer of USA.

The South Africans were:

Adv. Dullah Omar, Mr Bulelani Ngcuka, Advocate Percy Sonn, Profs. Medard Rwelamira and Yvonne Mokgoro and Dr Lovell Fernandez

A report of the panel has been published and circulated throughout the country.

In collaboration with Profs Anne and Robert Seidman of Boston university the Centre has produced a draft law on Affirmative Action which will serve as a basis for discussion within the democratic movement. The Centre is in the process of revising the draft in the light of the comments which have been made by various people who have had sight of it.

SOUTH AFRICA CONSTITUTION STUDIES CENTRE

The South Africa Constitution Studies Centre is a project under the directorship of Prof. Albie Sachs. Prof. Sachs who was in exile for many years founded the SACSC which was based in London since its inception. It did a considerable amount of work in relation to Constitutional and Bill of Rights issues. As a result of that work Prof. Sachs has published books and articles which have been acclaimed internationally. When Prof. Sachs returned to South Africa, he negotiated with the CLC and the Rector of the University of the Western Cape for him to be located within the Centre. It may be mentioned that other universities sought to secure some similar arrangement for their own universities. However, Prof. Sachs chose to make UWC his base. An arrangement was then entered into between the CLC and the South African Constitution Studies Centre. This was done in consultation with the Dean of the UWC Law Faculty who played a very important role in bringing Prof. Sachs to UWC. The law dean initially invited Prof. Sachs to locate his centre within the faculty as a guest of the law faculty. This solved a number of problems with regard to the future location of the SACSC and made it possible for the CLC to finalise an agreement with Prof. Sachs whilst he was at UWC as a guest of the law faculty.

Prof. Sachs secured his own funding from a number of sources and a separate report is available in connection with the work of his Centre. The presence of the SACSC within the CLC and at UWC has added to the stature of the CLC and has helped to place UWC on the national and international map in relation to constitutional matters.

STAFF SITUATION

During 1993 the personnel of the CLC consisted of the following:

Adv. Dullah Omar, Director
Mr Bulelani Ngcuka, Attorney, who acted as Deputy Director
Ms Sunita Dalla
Dr Zola Skweyiya
Ms Brigitte Mabandla

In the policing project:

Prof. Clifford Shearing
Dr Paseka Nchola
Ms Zelda Holtzman
Wendy Stoffels

In the gender project:

Ms Amy Biehl
Ms Celia Jack

As conference co-ordinator and general assistant, Mr Yousuf Gabru.

The following student assistants were also employed:

1. Mzwai Mzwandile
2. Gasan Omar

like her were making to the cause of the oppressed and it was not necessary for her to down-play her own role. But we were never able to persuade Amy. She "avoided" and shunned recognition. Even at meetings and functions she objected to being singled out. Despite this self-effacing nature, Amy was a charming young woman, lovable, always smiling and always ready to be of assistance - a truly wonderful human being.

When the time arrived for Amy to return to the US to pursue her studies, she made her way around in the black community on her own as she normally did as well as to the various organisations she had served. She went to say goodbye to her many friends and promised to return - as she put it - "to a free South Africa".

As fate would have it, not only would she never return to her motherland but she was fated to leave South Africa alive again.

True to her character, on the last day of her life, namely 27 August 1993, Amy bade farewell to her friends and colleagues in the CLC and the UWC generally and then instead of going to her home in Mowbray, offered a lift to two black colleagues who lived in Guguletu - which was out of her way. But for Amy that was no sacrifice and she happily offered the lift. Her last act of generosity cost Amy her life. As she entered Guguletu with her colleagues in the car, she was stopped, abused and dragged out of the car by a group of stone-throwing enraging black youths. She was given no chance nor were her colleagues able to help her. She was brutally murdered. The supreme irony of the situation is that the youths who murdered Amy came from the very oppressed community whose struggles had become Amy's own. Amy died early evening on 27 August 1993 in Guguletu, Cape.

That community was outraged by the killing and condemned it as a senseless, brutal and inhuman act. UWC, CLC itself and many South Africans were outraged. The liberation movements, including the ANC and the PAC as well as many other organisations condemned the killing. Tributes to the memory of Amy came from black communities in different parts of the country, representatives of foreign governments and from international organizations in different parts of the world.

In accordance with the wishes of Amy's parents, Amy was cremated in Cape Town. Her ashes were taken home to the US by her close friend and colleague in the CLC, Ms Melanie Jacobs. Subsequently Amy's parents, Peter and Linda Biehl, as well as their two daughters, Molly and Kim and son Zach and Amy's boyfriend Scott came to South Africa. They visited the place of her death and in particular wanted to be amongst the people whom Amy had served. They were received by the UWC community with great warmth. UWC paid tribute to Amy's memory at a highly charged emotional memorial service at which the Biehl family were present. This gracious family, despite their grief and loss went to and were received by the black community in which Amy had worked. The warmth of their welcome in Guguletu and elsewhere testifies to the respect that the community had developed for Amy. The CLC dedicated its conference on Juvenile Justice to the memory of Amy. A creche in Natal was named after her memory. Many memorial services and meetings were held, including one at Guguletu, where Amy had died.

The Community Law Centre continues to feel the loss of Amy. The sense of outrage and loss is deep. The Biehl family carry with them our deeply felt sympathy, condolences and solidarity. They know that UWC as a whole rose to pay tribute to Amy's memory and as we record our work for the year ending December 1993, we place on record our admiration and appreciation for the life of Amy Biehl.

PUBLICATIONS

During the year 1993 the book "International Conference on the Rights of the Child" - a Community Law Centre publication (UWC) was published. A number of other papers and other articles also made their appearance.

It is however an area where special attention is necessary in the year 1994.

LIBRARY

The CLC has continued to build up its library. It has been fortunate in this regard to have secured the assistance of the Raoul Wallenberg Institute, University of Lund, Sweden, which has donated a Human Rights library and continues to make similar donations. Other donations are also being received and in due course proper arrangements will have to be made for housing the human rights library being built up by the centre.

FUNDING AND SUPPORT

It is a pleasure to report that the year 1993 has seen the Centre receiving funding from sponsors in different parts of the world which enabled the Centre to proceed with its work. The CLC is grateful to its funders and wishes to express deep appreciation, inter alia, to the following:

1. The Ford Foundation of the USA.
2. The Dialogue Fund of the Government of Canada.
3. The Canadian Department of External Affairs and the University of Toronto (in respect of the policing project).
4. The South African Education Trust Fund, Canada.
5. Radda Barnen, Sweden, in respect of projects around children's rights.
6. The Raoul Wallenberg Institute in respect of the project on Children's Rights as well as Human Rights matters.
7. Carnegie Corporation of the USA in respect of gender issues.
8. The Swedish International Development Agency (SIDA).
9. The Friederich Ebert Stiftung of Germany.
10. U.S. Agency for International Development.

CONCLUSION

The CLC has again enjoyed a successful year. It remains to express appreciation to all those inside and outside the CLC and UWC who have made the work of the Centre such a success. Special thanks is due to the Rector of the University for constant support and encouragement as well as to the Dean of the Law Faculty for his help and encouragement. The Centre for Development Studies has been extremely helpful and much appreciation is due to Mr Randi Erentzen and his team at CDS.

Members of the Board of Trustees are also thanked for making it possible for the Centre to perform its work in the way it has. The year 1994 promises to be another year of challenge. The unfolding events no doubt makes its necessary for the CLC as well as its Board of Trustees to review and consider the future of the Centre in its various dimensions.

ADV. DULLAH OMAR
DIRECTOR

February 1994