

NUSAS LAW DIRECTIVE

Report to NUSAS Congress, November 1981

NUSAS LAW DIRECTIVE 1981

LOCAL CO-ORDINATORS:

STELLENBOSCH : Andre van Niekerk
PIETERMARITZBURG : Ilan Lax & Andrew Pearce
DURBAN : Penny Samuels & Tony Norton
DURBAN-WESTVILLE : Ash Singh & Vasu Gounden
WITWATERSRAND : Amanda Armstrong
RHODES : David de la Harpe & Adrian Vardy

PRESENT STRUCTURE OF DIRECTIVE

The Directive is essentially a resource centre, co-ordinating and initiating activities at law faculties on each campus. The National Co-ordinator is appointed/elected by Nusas Congress for one year, and in conjunction with Nusas, law faculty councils, etc., will appoint local co-ordinators. The National Co-ordinator, with local co-ordinators, will, incorporating recommendations made to Congress by the Law Committee, draw up and establish terms of reference and a programme of activities to be implemented during the particular year.

While the constitution and general function of the Directive should remain as defined, the yearly activities and undertakings of the Directive will change according to current demands and dynamics. Therefore it is preferable that each year the Directive establish projects for the year in question at Congress, or at a meeting shortly thereafter.

SUGGESTED STATUS/STRUCTURE OF THE DIRECTIVE

While it is important for law students, working with the Directive to participate in Law faculty activities, e.g. by election to Law Students Councils, it is suggested, in view of potential difficulties which may arise between faculty councils and the Directive (e.g. lack of funding and support for the Directive) that the Directive maintain some autonomy as a Nusas project or SRC sub-committee. Obviously where faculty council members are involved with the Directive, such an overlap is valuable and the local Directive should be encouraged to work with faculty councils where possible. Therefore, Nusas Executive, together with the Directive, have been requested to investigate the establishment of a Nusas local law Directive as an SRC sub-committee of affiliated campuses, acquiring funding from the SRC and from membership fees. The work of the Directive would thus extend to extra-law faculty projects, e.g., by working with the Projects Committees, Wages Committees, Women's Movements and by offering legal advice (or arranging for such advice to be given) to the SRC regarding student issues, banning of publications, etc., and undertake research in particular areas of law.

PROJECTS UNDERTAKEN BY THE DIRECTIVE, 1981

1. Law in South Africa - Lifting the Veil

The Law Students Council of UCT, in co-operation with the Nusas Law Directive, presented a law students conference at UCT from the 6th to the 10th of July.

The direction of the conference originated primarily from a perspective which is often glossed over at best, or at worst, ignored within our formal education: thus the conference focussed on areas crucial to an understanding of law and its economic, political and social basis:

- * focus on crime - this included an analysis of the theories of crime and punishment in a panel discussion on reform and the penal system;
- * focus on women and the law - an introductory paper on the role and position of women in South African society, a paper on the legal institutions which perpetuate women's subordination, a discussion of women under apartheid, in particular victims of the pass laws and an analysis of women and crime;
- * focus on labour and the law - a look at the historical development of South African labour legislation and a discussion on industrial health in particular;
- * focus on public interest law - an investigation of the limitations of law as an instrument of social change and a discussion of future trends by members from the Legal Resources Centre, Johannesburg, and the Democratic Lawyers Association, Durban.
- * focus on legal education - a paper on law and development in Zimbabwe and the need for law faculties to adapt to a new social order presented by Dr. Robert Seidman, Professor of Law at Boston University, presently at the University of Zimbabwe, and a look at recent developments in South African education. This was followed by the presentation of A New Legal Education, where students presented projects concerning the inadequacies of and alternatives to South African legal training.

The Conference was attended by approximately 250 delegates from universities throughout the country (UCT, Wits, Stellenbosch, Durban, Durban-Westville, Fort Hare, Rhodes, Pietermaritzburg, Transkei, University of the North) - both law students and academics, legal practitioners from various centres, members of organisations such as Nicro, Race Relations, Civil Rights League, UWO, etc.

2. PUBLICATIONS (forthcoming)

- a) Law in South Africa - Lifting the Veil : a Nusas Law Directive publication of conference papers (on sale at Nusas Congress, 1981).
- b) The New Legal Education : a collection of papers from the student project presented at the Law Conference will be published in Bona Fide, the UCT Law Students newspaper, in February 1982, and will be circulated to the other centres.

- c) The Directive initiated the production of a book concerning the rights and status of detainees. This is being produced by a group in Johannesburg and is due for publication shortly.
3. Reading lists have been drawn up and circulated as have Speaker and Topic lists for seminars, lunch-time law forums, etc Movie Lists - containing movies illustrating legal theory or dealing with issues such as crime, have been drawn up and will be circulated on all campuses early in 1982.

PROJECTS ON INDIVIDUAL CAMPUSES

- a. WITS : after the July UCT Law Conference, a Law Directive Committee was established at Wits. Activities during the year included -
- * a seminar on Legal and Democratic Organisation by Fink Haysom
 - * a seminar during the week prior to National Women's Day on Women and the Law in South Africa by Kathy Satchwell
 - * a focus on domestic workers - a slide and tape show and a lunch-time talk by Jackie Cock
 - * a major focus on criminology, which included lunch-time lectures by Dennis Davis and Don Pinnock, and seminars
 - * a focus on ideology and the rule of law explained through the medium of film conducted by Dennis Davis
- b. STELLENBOSCH : The Law Directive Committee has had various speakers presenting talks on specific legal issues and has had reading and discussion groups regarding various papers presented at the Law Conference.
- c. RHODES : after Rhodes affiliated to Nusas, students from the law faculty met to discuss the establishment of a Law Directive Committee and it is hoped that the interest shown in the Directive will grow and be consolidated.
- c. DURBAN : a focus week on labour law was held and members of the Law Directive Committee have met occasionally to discuss plans of the Directive.

NATIONAL GATHERINGS:

To consolidate various activities on different campuses, the Directive shall meet every National Council meeting, and more often if necessary.

It is suggested that the Directive be assigned a full day at Congress each year to discuss recommendations and, possibly, include discussions or papers led or presented by community lawyers, criminologists etc. The structure of the day shall be organised by the Directive in conjunction with the Nusas Executive. The Directive shall plan a conference or weekend seminar to be held annually in different centres. The structure and content of such a conference or seminar shall be established at Nusas Congress each year by the Directive and law committees.

CONCLUSION:

Without doubt, working with the Directive and planning activities on various campuses has been the most valuable academic experience. I can only encourage all law students and legal academics, who are committed to taking their education and their society seriously, to actively involve themselves in Nusas and the Law Directive - to initiate, to develop, to consolidate and to criticise - for ultimately democratic lawyers can only emerge from democratic organisations which call for an honest and intellectual analysis of the nature of law in South Africa.

To the Nusas Executive and members of the Law Directive Committees, and all those practising lawyers and legal academics who advised the Directive, thank you for helping us to LIFT THE VEIL.

ANDY DURBACH

NATIONAL CO-ORDINATOR, NUSAS LAW DIRECTIVE, 1981