

LEGAL ASSISTANCE TRUST

HUMAN RIGHTS TRUST

and

LEGAL ASSISTANCE CENTRE



Annual Report

1 July 1992 - 30 June 1993

INTRODUCTION

1 July 1992 - 30 June 1993

The history of the Legal Assistance Centre has been one that was closely linked with political developments in the country. Our focus from the start was on human rights violations by the security forces and the provision of legal advice and litigation services to indigent people.

Our strategy was and continues to be to try to identify cases that form part of the pattern of abuse and to seek court intervention which would have an effect beyond obtaining redress for the individuals involved but which would benefit others as well. It has always been our purpose to play a supportive role to organisations that were working for independence, as well as representing disadvantaged communities and groups.

In the process of transition after independence, the LAC has inevitably faced the challenge of any public interest law firm with a human rights focus to remain relevant within a rapidly changing social environment. Whilst in the past there was a clearly identifiable "enemy", the current emphasis is on addressing issues such as poverty and under-development. This requires new skills, new insights and a new direction. It is sometimes difficult for staff members who joined the organisation primarily out of a desire to channel their energies into existing political oppression and fighting for national independence, to reorientate themselves within our structures to meet this new challenge and to determine how the guidelines regarding socio-economic rights in the Namibian Constitution can best find expression in our society.

Fortunately, the Centre has been able to draw on its experience and redirect its effort from an organisation primarily concerned with abuses of human rights by the pre-independence security forces, to a recognition that building a rights conscious society has little meaning if people have limited access to the resources to develop themselves. The Centre has accordingly directed its focus to broad areas, such as legal education, law reform and advocacy, in addition to the legal advice and litigation services traditionally undertaken. The LAC is continually being requested to become involved in new areas of activity spanning a wide range - from gender issues, to labour issues, to land issues - all of which are recognition of the fact that as an institution we are firmly rooted in the developmental challenges facing our new nation.

In the year under review the number of cases handled by the Centre and advice offices bears out the need that exists for our services in the various communities around the country. There has been a constant flow of cases, requests for educational input and materials and invitations for us to become involved in the reform of legislation inherited at independence which no longer meet the needs of a country based on a constitutional democracy. The details of the range of our work and our various activities are included in the report which follows.

Despite the great strides Namibia has made since independence, it is not yet time to rest on our laurels. We are undoubtedly proud that our country is rightly hailed as a role model for other developing countries, but in the coming years all those concerned with the broadening out of democracy within society still have a lot of work to do. The culture of human rights in Namibia is quite fragile and needs careful protection and development. There is also a danger that the international community will not look beyond the attainment of independence to the practical entrenchment of people's freedoms and the enforcement of their rights in society.

There is therefore a strong case to be made out for continued support to Namibia in general and to the work of the LAC to ensure that we can continue to play a constructive role in ensuring that independence has real meaning in the lives of all Namibians. As a young organisation we are developing the capacity to deal with the challenges and look forward with great enthusiasm to the challenges that lie ahead.

In conclusion, I wish to pay tribute to the individuals and organisations who have helped us to accomplish what we have over the past year. They include the staff and trustees, who under difficult circumstances have brought great skill, dedication and enthusiasm to the task, and the donors, who have not only given us financial backing but also support and encouragement throughout the year. To all of you we are most grateful and we look forward to building on our achievements during the next year.

ANDREW CORBETT
Director: Legal Assistance Centre

TRUSTEES OF THE LEGAL ASSISTANCE TRUST

The Honourable Kenneth Bethune (Chairperson)

Hosea Angula

Andrew Corbett

Geoff Budlender

Jeremy Gauntlett, SC

David Smuts, SC

Dr Teopolina Tueumuna

The Honourable Ben Ulenga

TRUSTEES OF THE HUMAN RIGHTS TRUST

Andrew Corbett

The Right Reverend Kleopas Dumeni

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The Right Reverend James Kauluma

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STAFF MEMBERS OF THE LEGAL ASSISTANCE CENTRE AND AFFILIATED ADVICE OFFICES

LEGAL ASSISTANCE CENTRE

ATTORNEYS

Andrew Corbett (director)
Gail Super
Shakespeare Masiza (articled clerk)

PARALEGALS

Ono Angula
George Mhoney
Rosa Namises
Pero Nampila

ADMINISTRATIVE AND SUPPORT STAFF

Absolom Andreas (caretaker)
Joy Bartlett (receptionist)
Sophia James (messenger)
Shirene Martin (secretary)
Maria Ndura (bookkeeper)
Mona Pfeifer (secretary)
Anita Witt / Jacqueline Daniels (secretary)

HUMAN RIGHTS CENTRE

PARALEGALS

Karl Ndoroma / Gabes Nepaya (coordinator)
Ben Hausiku
Erastus Uutoni

ADMINISTRATIVE STAFF

Tusnelde Nangolo (messenger)
Ruth Udjombala (secretary)

KEETMANSHOOP ADVICE OFFICE

Aloysius Katzao (coordinator/paralegal)
Wilma Isaac (secretary)

RUNDU ADVICE OFFICE

Ambrosius Haingura (coordinator/paralegal), *replaced by* Arnulf Hausiku
Matheus Shinonge (messenger)
Paulina Kalola (secretary)

WALVIS BAY ADVICE OFFICE

Wilfred Emvula (coordinator/paralegal), *replaced by* Lukas Johannes
Anitha Tjivangurura (secretary), *replaced by* Michelle Doëses

NOMTSOUB ADVICE OFFICE

Nico Kaiyamo (coordinator/paralegal)
Cornelia Kashala (secretary)

THE LEGAL ASSISTANCE TRUST AND THE HUMAN RIGHTS TRUST - AN OVERVIEW

THE LEGAL ASSISTANCE TRUST

The Legal Assistance Trust was formed in February 1988 in order to receive and control the funds donated for the purposes of establishing the Legal Assistance Centre (LAC) and funding its activities.

The Legal Assistance Centre (LAC) was founded in 1988. It is a non-profit public interest law centre based in Windhoek, and is the only centre of its kind in Namibia. It provides legal and educational services in the public interest to people who would not otherwise have access to the legal system. In addition to the Windhoek Office, there are five other affiliated advice offices in Namibia: the Human Rights Centre in Ongwediva, the Rundu Advice Office, the Walvis Bay Advice Office, the Nomtsoub Advice Office in Tsumeb and the Keetmanshoop Advice Office. (The Nomtsoub Advice Office was closed during the year under review, and the reasons for its closure are detailed in a separate section of this report.)

The LAC was established and carries out its work with the approval of the Law Society of Namibia and the Society of Advocates of Namibia.

The LAC does not charge fees to its clients. Consequently, it is not allowed in terms of the rules governing the legal profession in Namibia, to recover legal costs, other than out-of-pocket expenses, even where successful in litigation. The offices are accordingly entirely dependent on donation income. This is received through the Legal Assistance Trust for the Legal Assistance Centre, the Nomtsoub Advice Office, the Walvis Bay Advice Office and the Keetmanshoop Advice Office, and the Human Rights Trust for the Human Rights Centre and Rundu Advice Office.

The impetus for the trust's establishment came from various churches in Namibia, the national trade union federation (the National Union of Namibian Workers), the umbrella student organisations (the Namibian National Students Organisation - NANSO), various community organisations and importantly, from local practitioners and colleagues associated with the Legal Resources Centre in South Africa.

The trust is chaired by Kenneth Bethune, a retired Namibian judge. Other trustees are Geoff Budlender, a trustee and founder of the Legal Resources Centre in South Africa; Jeremy Gauntlett, a senior advocate of the Cape Bar who has been active in human rights work in Namibia; Ben Ulenga, Deputy Minister of Wildlife, Conservation and Tourism and former General Secretary of the Mineworkers' Union of Namibia; Dr Teopolina Tueumuna, a medical doctor of the Oshakati State Hospital; Hosea Angula, an attorney of Windhoek; David Smuts, an advocate of the Windhoek Bar and founding director of the Centre; and Andrew Corbett, the present director of the LAC.

The work of the trust has been generously supported by funding from foreign governments, non-governmental organisations and churches, and as of 1993, limited local donors. During the year under review, grants were received from the following organisations:

Christian Aid London
Church of Norway
Church of Sweden Aid
Danish Embassy
Diakonia City

Ford Foundation
Friedrich Ebert Foundation
Friedrich Naumann Foundation
Legal Generation

Oxfam (UK & Ireland)
SIDA
UNICEF
US Aid

THE HUMAN RIGHTS TRUST

The Human Rights Trust funds and controls the Human Rights Centre and the Rundu Advice Office. The Trust was established in 1987.

The impetus for its establishment came from various churches in Namibia as well as from individual church and community leaders. At the commencement of its activities in 1988 the Human Rights Centre in Ongwediva, northern Namibia, had been subjected to more than 10 years of guerrilla war and with it, human rights abuses and oppression on a large scale, which included mass detentions, deaths, disappearances and the destruction of property. It was in this context that the need for a law centre to assist the victims of widespread human rights abuses was identified and the Human Rights Centre was established. The need for a law centre in northern Namibia was and is compounded by the fact that there are no full-time practising lawyers based in the far northern region of Namibia, where more than half of the Namibian population resides.

The Human Rights Centre and Rundu Advice Office accordingly provide a service to people who would otherwise have to travel hundreds of kilometres in order to obtain legal assistance.

The trustees of the Human Rights Trust are David Smuts of the Windhoek Bar; the Right Reverend Benjamin Haushiku, Roman Catholic Bishop of Windhoek; the Right Reverend Kleopas Dumeni, Bishop of the Evangelical Lutheran Church in Namibia; and the Right Reverend James Kauluma, Anglican Bishop of Namibia. The work of the Human Rights Trust has also been generously supported by funding from foreign governments, non-governmental organisations and churches. During the year under review, the Friedrich Naumann Stiftung paid most of the expenses of the Human Rights Centre, together with significant support from the Church of Norway, while NOVIB covered the costs of the Rundu Advice Office.

Although a separate trust, the work of the advice offices funded by the Human Rights Trust is supervised and controlled by the Director of the Legal Assistance Centre, who also serves as a trustee of the Human Rights Trust.

THE LEGAL ASSISTANCE CENTRE AND ADVICE OFFICES - AN OVERVIEW

THE WORK OF THE LAWYERS AND PARALEGALS

In the year under review, a total of 29 staff members were employed by the organisation, comprising three lawyers, one articled clerk, 11 paralegals and 14 administrative and support staff. During the course of the year several staff members resigned, including Ambrosius Haingura of the Rundu Advice Office, Wilfred Emvula and Anitha Tjivangurura of the Walvis Bay Advice Office, and the national administrator based in Windhoek, Toivo Shovaleka. They were replaced by Arnulf Hausiku as coordinator at Rundu, Lukas Johannes and Michelle Doëses as coordinator and secretary at Walvis Bay, and Bisey Uirab as national administrator. Due to the closure of the Nomtsoub Advice Office in February 1993, the coordinator, Nico Kaiyamo, and his secretary, Cornelia Kashala, also left the employ of the organisation. Absolom Andreas was employed in the newly-created post of caretaker of the Windhoek Centre. Andrew Corbett, an attorney who has been with the Centre since its inception in 1988, was appointed as director of the organisation after David Smuts left to join the Windhoek Bar.

The general approach and policy of the LAC and its affiliated advice offices is to take on cases in the public interest, based on the criterion that their outcome will affect the rights of a number of people rather than only the individuals directly involved. Such cases pertain to any situation in which one or more individuals are subject to particular forms of abuse or exploitation which call for redress. For instance, any interdict brought by the LAC on behalf of a community group is designed to benefit all communities by ensuring that all enjoy the free exercise of their rights in future. These are broad guidelines and only through experience are LAC and advice office staff able to identify the cases appropriate for consideration and action. In practice there has always been a tendency to err on the side of lenience, given the inevitable reluctance to turn away people in need.

The LAC lawyers provide a legal backup and advisory service to all the advice offices, and cases are referred to them at the Windhoek Centre for legal action when their intervention is required. The volume of work continues to be a source of pressure, but with ongoing formalised paralegal training, more and more cases are resolved by paralegals who are progressively more able to carry out investigations, provide advice or take the appropriate action without assistance from the lawyers. The role of paralegals is in fact crucial in making the legal system more accessible and responsive to community needs, as there is a dire shortage of lawyers in Namibia, and in any event most Namibians are unable to afford their services. Paralegals also make themselves available to any member of the public approaching their offices in need of counselling or advice on any problem which does not necessarily require legal action, be these problems social, domestic or labour-related. The LAC has also attempted to address the problem of a shortage of lawyers by inaugurating a scholarship programme to assist disadvantaged students in qualifying as lawyers.

The paralegals began to a far more significant degree during the year under review to free up time for staff lawyers to supplement the efforts of the LAC's Legal Education Project (see details in a separate section of this report) in nation-building and helping to develop a human rights culture within Namibia's constitutional democracy. This new involvement was necessitated by the vast range of post-independence challenges which forced the organisation into its new role in which it continued to assist victims of human rights abuse, but also began its attempts at fostering a belief in law as an instrument of justice. To achieve this new aim, the LAC resolved to concentrate on three broad areas: impact litigation with particular focus on the Constitution and abuse of power; advocacy, particularly in the area of law reform to benefit especially disadvantaged communities and groups; and active involvement in human rights education and training for community members and interest groups.

PROBLEMS EXPERIENCED

This was a stressful year for the newly-appointed director, Andrew Corbett, who took over this post at short notice, and without the assistance of the administrator who had resigned. Due to the demands placed on him to manage the office and still continue with legal work, the task of keeping proper contact with advice offices was difficult. However, the only major problem experienced with regard to advice offices was the closing down of the Nomtsoub Advice Office. This office had to be closed due to lack of funding, because the community felt it was under-utilised, and because no suitable candidate could be found to replace the coordinator who resigned upon being elected as a regional councillor. To provide services for the Nomtsoub community, the local office of the National Union of Namibian Workers was requested to refer all cases to the LAC.

Most of the clients who approach the LAC and its affiliated advice offices for assistance with legal matters live in remote rural areas. Many have no access to telephones, and the postal service is ineffective or non-existent in most areas, so communication about cases is often difficult. Frequently the regional radio services are used to broadcast requests for clients to call upon offices for consultations and for furnishing further information and instructions regarding cases, and although this usually elicits the desired response, the legal process is slow in many cases. Paralegals and staff lawyers are also frequently required to travel several hundred kilometres to remote areas in order to provide effective legal services to outlying communities, and this extensive travel places one of the biggest stresses upon the staff, given the enormous distances involved. The use of public transport in some instances assisted in overcoming some of these problems but this service is seldom used owing to the fact that it is erratic and extremely costly. Company vehicles are mostly used instead, which is also costly, although less so than public transport.

Regarding litigation, difficulties often arose as a result of the lack of knowledge of legal procedure by court officials in the lower courts, or as a result of negative attitudes of maintenance officers at the lower courts. It was decided at the annual general meeting held during the first week of July 1993 to take these issues up with the relevant authorities.

Considering the frequency of labour disputes and the impact that, for example, a dismissal has upon a disadvantaged individual or family, a serious obstacle to the resolution of these cases is the absence of Labour Courts. Lawyers and paralegals of all the offices are persistently engaged in the arduous task of negotiating with employers who are not conversant with the Labour Act. The Labour Courts would finally be established later in 1993.

THE LEGAL ASSISTANCE CENTRE (WINDHOEK OFFICE)

During the year under review, the Legal Assistance Centre enjoyed the services of three attorneys, one articled clerk, four paralegals and seven administrative and support staff. Andrew Corbett was appointed as director of the Windhoek Centre and affiliated advice offices during this period, and Bisey Uirab was appointed as national administrator, whose appointment greatly reduced management pressures on the director. One of the paralegals, Pero Nampila, continued to serve as national coordinator of the Legal Education Project, taking responsibility for the legal education work of the Windhoek Centre and all advice offices.

As has already been mentioned in the previous section of this report, the lawyers at the Windhoek Centre have taken on a far more vital role in dealing with the challenges of post-independent Namibia, a fact clearly reflected by the kinds of cases brought to the Centre during the period under review, in that prior to independence, police and security force abuses dominated the caseload, whereas during this period, social, domestic and labour-related disputes were dominant.

In the year under review, a chapter was effectively closed on the LAC's involvement in pre-independence litigation against the security forces when all the outstanding matters were settled. The LAC had in the course of 1988 and 1989 instituted approximately 250 civil claims for damages against the South West African Security Forces, but the settlement of the matters had been delayed due to a dispute between the Namibian and South African Governments as to who was liable for payment of damages after independence. This point was taken to the Supreme Court which ruled that the Namibian Government was the correct authority from whom to recover damages. A total sum of R161 000 was paid to our clients, the largest sum being R25 000 in respect of Mr Eliphaz Kuushomwa for the loss of the use of one of his limbs. A ceremony was held at the Human Rights Centre where the cheques were handed over to approximately 25 of the Centre's clients.

The following cases illustrate the range of work conducted by the LAC over the past year:

A domestic worker, Maria Kaulinge, was severely assaulted by her employer, an off-duty policeman in Swakopmund. The Centre instituted damages action against the employer, whereafter an out of court settlement was reached in terms whereof client was paid R9 000 in damages.

Two suspects were arrested on a charge of murder by the South African Police in Walvis Bay. One of them was severely assaulted, suffering a fracture to his jaw, resulting in his being in a brace for six weeks. The Centre instituted action in the Walvis Bay Magistrate's Court, whereafter the matter was settled on the basis that the one client received an amount of R17 000 in damages and the other client an amount of R5 000.

In the area of labour, two cases illustrate the glaring inequalities in the employer-employee relationship. In the first case, Elizabeth Hipandulwa was employed by Mr Kamaponyu in his tradition homestead in Opuwo, and had worked there for a period of two years without receiving a salary. When client decided to leave her employment, she was accused of theft and Mr Kamaponyu tied her up outside the premises of the shop to two poles and left her there imprisoned for a period of three months. The Centre received instructions in her case and had her released from detention, whereafter a damages action was instituted in the High Court. The Court awarded damages in the sum of R165 000, probably the largest-ever award in respect of personal damages arising out of an assault. In the second case, Katrina Gomases was employed at a take-away restaurant and paid an amount of R360 per month. The defendant's dog attacked client while she was at work, whereafter she landed up in hospital for a period of six weeks. The Centre instituted action on her behalf and she was awarded a sum of R5 000.

The Centre has also been involved in a number of cases involving immigration issues. In the case of the Kasume family, the Centre obtained an order for their release from unlawful detention after they had been unlawfully arrested pending deportation.

There have also been a number of cases against tribal authorities. In the case of Eva Thomas, client was found guilty by a tribal court of poisoning a person. It transpired that she was not afforded the opportunity of a hearing, and she was not allowed to give evidence herself and was not allowed to cross-examine witnesses, nor call her own witnesses at the proceedings. The Centre brought an application to have the proceedings and verdict of the tribal court set aside and the application was granted by the High Court.

The Centre has also acted for numerous women, assisting them in claiming maintenance for their children in the maintenance courts.

The Centre represented three trade union leaders in Gobabis when they were charged with intimidation of shopkeepers during a May Day march in 1991. The Regional Court found the accused guilty, but due to certain submissions made by the Centre, they received light suspended sentences.

The Centre represented 15 fishermen at Swakopmund who had been assaulted while fishing on the Swakopmund jetty, and out of court settlements were achieved whereby clients received compensation for the loss of their property as well as for damages arising out of assault.

Mr Shatona and two other employers at Walvis Bay Market were unfairly dismissed by their employer. The Centre represented them at a conciliation board, and when the matter was not settled, an application was brought in the industrial court. During the course of the hearing the company agreed to reinstate all three workers and to pay them as damages the amount of wages lost during the period they were out of work.

Mr Oscar Hangula was referred to the Centre by the Namibian Transport and Allied Workers' Union. He had been employed by a car rental company, but had left them on grounds of ill health. The company's insurers refused to pay him his benefits in terms of the disability clauses of the company's scheme, whereafter the Centre entered into correspondence and client was eventually paid a sum of R9 386 in respect of retrospective pension payment.

Mr Armas Sacky and his colleagues were arrested during a picket of a breweries company in Windhoek during the course of a union demonstration.. The Centre represented them and managed to obtain an acquittal on the charge of intimidation, but they were still found guilty on the lesser charges of injuring the police and obstructing a public road.

Paralegals at the Windhoek Centre opened approximately 126 new files during the year under review. A breakdown of these cases is as follows:

* Dismissals	25
* Workman's compensation claims	21
* Assault	13
* Pension claims	12
* Wage / notice pay / overtime claims	10
* Housing disputes	9
* Maintenance disputes	9
* Divorces	7
* Child abuse reports	5
* Consumer disputes	3
* Citizenship / passport disputes	2
* Other matters	10

Lawyers at the centre handled approximately 217 cases, in most of which litigation was launched. A breakdown of these cases is as follows:

* Dismissals	46
* Claims against police/security forces	40
* Other labour matters	33
* Criminal matters	16
* Housing disputes and evictions	9

* Immigration disputes	9
* Land disputes	8
* Pension claims	7
* Maintenance disputes	5
* Medical negligence claims	2
* Delictual claims	2
* Workman's compensation claims	1
* AIDS-related cases	1
* Other matters	38

LAC lawyers began during this period on a more regular basis to undertake research projects for various institutions, advise drafters of legislation, prepare opinion papers and deliver lectures to employees of the Namibian Police and other public and private sector institutions. All LAC paralegals, for their part in the nation-building process, began carrying out the work of the LEP, regularly attending and conducting workshops and seminars in collaboration with other NGOs or independently with community interest groups, and delivering lectures to groups of women, schoolchildren, workers, etc, countrywide.

A Labour Manual for the layperson was published by the LAC in June 1992 to help employers, labour inspectors and trade unions to understand and abide by the provisions of the newly-enforced Labour Act. Copies of the manual are in continuous demand and are reproduced on an ongoing basis to meet the demand.

A Training Manual for the training of community trainers identified in the various regions of Namibia was being finalised for printing towards the end of 1993.

Research areas of LAC lawyers and paralegals by June 1993 included gender issues, the Police Act, the financing of low-income housing, and AIDS policy. It is considered vital for paralegals at the advice offices to be involved in the various areas of research, and new information gleaned for or from researchers is continually passed between the Windhoek Centre and advice offices. It had also become clear that land issues needed to be included in the research agenda.

A Management Committee was formed during the year under review to represent staff members performing different tasks for the organisation. The committee continues to meet once a month to discuss or act on problems and initiatives raised by the staff.

THE HUMAN RIGHTS CENTRE

The Human Rights Centre is situated at Ongwediva in northern Namibia, close to the municipal centre of Oshakati. The office opened its doors in 1988 and serves all the towns and villages of the northern region. During the period under review the HRC was staffed by three paralegals - Karl Ndoroma, Ben Hausiku and Erastus Utoni - and two support staff - Tusnelde Nangolo and Ruth Udjombala. The work of the HRC is coordinated by Karl Ndoroma. All paralegals are engaged with LEP programmes in addition to the cases brought to the Centre. There were no resignations or new appointments at the Centre during this period.

Whereas human rights violations perpetrated by security force members had dominated the HRC caseload prior to independence, two years after independence the issue of land disputes became the dominant problem. Paralegals stressed the burning need for a comprehensive land policy, as clients were "streaming" to the Centre with land disputes, often referred there by headmen who lacked the necessary skills to resolve them. Although detention without trial still occurred at the hands of the police and tribal authorities, as did police assault, the incidence of these offences dropped off considerably following independence, and few cases were reported during the year under review. After land disputes, labour disputes were most commonly brought to the Centre. Where the paralegals were unable to resolve these through negotiations with employers and trade unions, cases were referred to the Regional Labour Office, or to the lawyers in Windhoek for legal action to be taken. The paralegals were often dissatisfied with the Regional Labour Office, reporting that officers were generally uncooperative and tended to compromise workers' rights. Maintenance disputes were frequently reported, and the paralegals were hard put to deal with maintenance officers who seemed to lack understanding and training. Many clients also stated that police officials, who were usually male, tended to sympathise with male offenders and were thus often ineffectual in dealing with maintenance disputes. Several cases were referred to the lawyers for further action.

Confusion was rife among communities in respect of their customary law and the civil law, and the paralegals felt that there was a crucial need for thorough research to be carried out with a view to "bridging the gap" wherever possible.

A breakdown of HRC cases during the period under review is as follows:

- * Land disputes
- * Labour disputes
- * Maintenance disputes
- * Pensions
- * Workman's compensation
- * Housing disputes
- * Criminal matters
- * Assaults and harassment
- * Matrimonial and general advice

The LEP is coordinated in the north by Karl Ndoroma, and although much ground was covered, the paralegals experienced problems relating to the absence of community structures through which workshops are usually organised. For example, trade unions were not well-organised and HRC staff found union officials to be generally uncooperative in helping to plan and participate in educational and training programmes for themselves and their members. A strategy needed to be planned to entice interest groups such as the unions to workshops in future. The paralegals did however deliver lectures on a regular basis to tribal authorities, women's groups, church groups, and school teachers and pupils. The HRC was anxiously awaiting publication of the Training Manual to be used in training trainers amongst these groups.

THE KEETMANSHOOP ADVICE OFFICE

Keetmanshoop is a town situated in the south of Namibia, and since opening its doors in January 1992, the Keetmanshoop Advice Office has served the entire southern region of the country, staffed by a coordinator and paralegal, Aloysius Katzao, and a secretary, Wilma Isaaks. Mr Katzao also coordinates the work of the LEP in the south, where response to LEP efforts has been particularly positive.

The majority of Keetmanshoop Advice Office cases since its inception have been disputes over civil debts, many involving imprisonment of debt defaulters. Communities in the south are generally among the poorest of Namibian communities, and as the office reported, "rent and electricity payments cause the people to have sleepless nights." Many of these cases are handed over to Municipality lawyers to resolve, although reluctantly, since these lawyers are reputed to show indifference and pose a threat by demanding that people either pay up or face imprisonment. In fact, many cases go to the civil court because those in debt are afraid to approach Municipality lawyers for a second time. It is true, however, that many people of the region are insufficiently informed about the technicalities of municipal rate-paying, and this often means that they allow months to go by without paying their dues. In addition to his attempts to advise individuals and community groups about their rights and duties regarding municipal debts, the coordinator suggested that these issues be addressed by LAC lawyers in direct consultation with Municipality lawyers, as the situation showed no sign of improving during the year under review.

Complaints of unfair labour practices were also commonly brought to the Advice Office, and it seemed to the coordinator that many employers felt that "the Labour Act had nothing to do with them." Most labour disputes involved farmworkers of the region. The absence of Labour Courts made it very difficult to resolve these disputes, and farmers' organisations and the farmworkers' union needed to reach agreement on conditions of employment to help guard against unfair practices in future. Several labour complaints were referred to the lawyers in Windhoek for legal action to be taken. LEP workshops on the Labour Act were certainly starting to yield results among employers, but a more concerted effort would be made to reach farmers in the region.

The Keetmanshoop Advice Office handled 200 cases during the period under review, as follows:

* Civil debts	72
* Dismissals/salary disputes	36
* Pensions	16
* Contract disputes	13
* Maintenance	12
* Housing disputes/evictions	10
* Workman's compensation	9
* Divorce	8
* Assault	5
* Other cases	19

The LEP was very successful in the south during the period under review, and reached a wide range of groups over a large area, although the coordinator felt it could extend its operation even further afield. School teachers and pupils particularly benefited, and history and guidance teachers were eager to continue educating their pupils about the Constitution, human rights and especially children's rights, guided by the Training Manual. Some headmasters refused to release teachers during school hours to attend workshops, so attendance was not as high as it could have been. Workshops were conducted for other community groups under the auspices of the local office of the National Union of Namibian Workers, the Roman Catholic Pastoral Centre in Keetmanshoop, and The Bridge - an NGO of social workers counselling prisoners at the Hardap Prison. These workshops were attended by union members, community leaders, church officials and members, as well as police officials, and all workshops were well-attended. Topics covered were the Constitution, Labour Act, human rights and women's and children's rights. Trainers among these groups would be identified to provide ongoing education to communities in the south, guided by the Training Manual.

THE RUNDU ADVICE OFFICE

Rundu is a town situated on the border in the north-east of Namibia, and since opening its doors in 1988, the Rundu Advice Office has served an enormous area of more than 50 000 km² with a population of over 120 000. The work of the office was initially coordinated during the period under review by Ambrosius Haingura, assisted by a secretary, Paulina Kalolo, and a messenger, Matheus Shinonge. Mr Haingura resigned after being elected as a regional councillor, and was replaced by Arnulf Hausiku. Mr Haingura and then Mr Hausiku coordinated the efforts of the LEP in the region during this period.

As in the case of the Human Rights Centre in the north, the Rundu Advice Office's caseload shifted significantly following independence, to be dominated by issues of social and economic rights rather than abuses of human rights committed by security force members, which were dominant prior to independence.

Unfair dismissals and salary disputes were the most common complaints brought to the office, and some of these were referred to the Windhoek-based lawyers for legal action. Trade unions in the region were not active during this period, and regional councillors referred labour-related complaints to the Advice Office rather than to the Regional Labour Office which was too slow to act.

During this period many people in the Kavango area experienced difficulty in obtaining their pension payouts, and frequently came to the office for help in filling in forms and liaising with government pension officers. Maintenance disputes were relatively common too.

Several people asked the office to assist them in completing citizenship application forms and obtaining their passports. It is not unusual among the population of Namibian border towns that problems are experienced regarding citizenship, as many people who had lived in exile in neighbouring countries lacked the necessary proof of identity upon returning to Namibia. Many such people were detained without trial and eventually referred to the office by police or church officials.

It is interesting to note that no land disputes were brought to the office's attention during this period. Such disputes dominated the caseload of the HRC, which is also based in a region composed of communal lands falling under the control of tribal chiefs and headmen.

The Rundu Advice Office handled 148 cases during the period under review, as follows:

* Dismissals / salary disputes	56
* Pension claims	36
* Citizenship applications	24
* Maintenance disputes	16
* Consumer complaints	6
* Workman's compensation claims	4
* Other matters	6

Both coordinators during this period found themselves unable to satisfy the enormous demand from communities for LEP workshops and lectures on human rights. The paralegals made optimum use of radio to broadcast educational programmes to the widest possible audience, but ironically this had the effect of advertising the project with the result that demand for workshops grew even bigger. Two main reasons for the great demand for information in this region were firstly the inactivity of trade unions there, and secondly the regular occurrence of detention without trial of supposed illegal immigrants. The few workshops conducted by the LEP and most of the radio programmes covered labour matters and police powers, and constitutional matters were also regularly covered.

THE WALVIS BAY ADVICE OFFICE

Walvis Bay is the main harbour town in Namibia, situated close to the other large coastal town of Swaköpfung, as well as to several smaller inland towns and villages. However, Walvis Bay during the period under review was still governed by South Africa, and this situation was problematic from a legal point of view. The Walvis Bay Advice Office opened in 1989 and serves all the communities of the west-coast region, up to around 200km inland. During this period the office was staffed by a paralegal who coordinated the work, assisted by a secretary. Wilfred Emvula was elected a regional councillor in late 1992 and both he and his secretary, Anitha Tjivangurura, resigned their posts. They were replaced by Lukas Johannes and Michelle Doëses. The office coordinators also coordinated the work of the LEP in the region, and were very active in this regard.

The most serious problem facing inhabitants of Walvis Bay during the period under review was that the Namibian Constitution did not apply in the enclave. It was an arduous task to fight for the rights of Namibians regulated by a foreign judicial system and to correspond timeously with government authorities and justice officials based in South Africa rather than Walvis Bay.

The fact that progressive South African labour legislation applied in Walvis Bay significantly affected the advice office's caseload, in that most cases brought to the office related to unfair labour practices. These usually involved dismissals, retrenchments and low wages for long working hours. Generally, the workers affected were employed by the port authorities, or as crew members aboard fishing vessels, most of them foreign. Many labour disputes were referred to the lawyers in Windhoek for legal action.

Social and domestic problems in this region were much fewer in number during this period. The LEP at the time had concentrated its efforts on labour and constitutional rights rather than specifically social rights which were relegated to the next phase of the programme, and it may be supposed that members of inland communities were not yet aware of the helping hand that lay at Walvis Bay.

The Walvis Bay Advice Office handled 137 cases during the period under review, as follows:

* Dismissals / retrenchments	54
* Salary disputes	31
* Pension and unemployment claims	10
* Assault and injury claims	9
* Tax disputes	6
* Workman's compensation	5
* Housing disputes	5
* Maintenance disputes	5
* Divorce	2
* Unlawful arrest	2
* Theft	2
* Murder	1
* Rape	1
* Other cases	4

The LEP was extremely successful in the region, particularly with regard to labour matters. Trade union officials made full use of LEP services by organising workshops on the Labour Act for their members in practically every town in the region, on an ongoing basis. The positive effects of this education were not difficult to glean, especially among harbour workers and seamen. During the period under review the LEP began making contact with schools in the region, and delivered lectures to teachers and pupils at two schools in Walvis Bay. The next task would be to make contact with women's groups. The Walvis Bay Advice Office was also anxiously awaiting the Training Manual in order to begin training union officials and other community leaders to take the project further.

THE LEGAL EDUCATION PROJECT (LEP)

BACKGROUND

The Legal Education Project (LEP) was initiated in 1990 by the Legal Assistance Centre (LAC) and its affiliated advice offices to help Namibian communities, especially in outlying areas, to gain access to knowledge of the law and human rights. In view of the increasing interaction of people with the law in Namibia, uneven distribution of few attorneys and high cost of litigation, the organisation considers it imperative that communities comprehend the law and learn to enforce their rights as part of the democratic process.

The LEP is staffed by paralegals at the Windhoek Centre and all affiliated advice offices, who regularly attend training seminars and NGO workshops, and are further informed by the staff researchers in Windhoek. Community workshops are conducted countrywide every month on various aspects of the law, such as the Constitution, human rights, women's and children's rights and labour law. Regular lectures are also given on demand to school children, church groups, labour unions and many other community interest groups, and the LEP publishes a wide range of booklets, brochures and pamphlets on all of the workshop and lecture topics, available on request free of charge from the Windhoek Centre.

A parallel can be drawn between LEP paralegals and primary health care workers, who are all providing much-needed guidance on how to act in one's own best interests to prevent harm from coming to oneself and others, and to be less dependent for one's wellbeing on the State and other service organisations. The LEP concentrates heavily on teaching people how to respond appropriately in *practical* situations.

Response to the LEP's efforts has been extremely positive on the whole, and requests for their input are frequent. It is not difficult to discern the impact on communities of the knowledge gained, which equips people to deal more effectively with their vast range of social, domestic and labour-related problems.

NEW DEVELOPMENTS DURING THE PERIOD UNDER REVIEW

- * The LEP Training Manual produced by the paralegals with assistance from the lawyers was being finalised for printing by July 1993. Copies would be forwarded to each advice office for distribution to selected individuals in each region who would undergo training and in turn train others in their communities.
- * A range of booklets, pamphlets and posters on women's and children's rights were also being finalised for printing by July 1993, copies of which would be distributed to all advice offices for dissemination in their regions, with remaining stocks to be kept at the Windhoek Centre for distribution on request to any individual or organisation in need of resource materials.
- * A matching range of T-shirts were being designed to augment the impact of the booklets and pamphlets, for distribution among workshop participants countrywide.
- * A proposal would be drawn up for funds to purchase portable compact TV/video sets for LEP workshops. Consensus has long existed among educationalists and community development workers that audio-visual methods of imparting information to second-language recipients are more effective than any other method.
- * Plans were under discussion for the holding of a resource development seminar for LEP staff, to be facilitated by a Zimbabwean expert on resource development.
- * A volunteer programme was also being planned following two fruitful workshops held to introduce potential volunteer workers to the work of the LEP.
- * The regional radio station was proving invaluable in the Rundu region as an educational and networking platform, and a concerted effort would be made to use radio extensively in all the other regions.

- * Apart from the LEP's involvement with the Family Life Empowerment Programme, the staff were also invited to join the team planning the establishment of the Women and Child Abuse Centre at the State Hospital in Katutura, Windhoek.
- * The LAC's Gender Research Project launched in 1992 was firmly off the ground by the end of the period under review, and the researcher in charge of this project would play a major role in the drafting of legislation pertaining to women's rights in Namibia. This initiative would greatly benefit the LEP in so far as our educators rely to a large extent on legal research. In June 1993 the Gender Research Project distributed a paper entitled "Affirmative Action for Women in Local Government in Namibia", and its next paper, "Maintenance: A Report on the First Phase of Research" was almost ready for publication. Its third paper, "A Minimum Sentence for Convicted Rapists" would be published early in 1994, and research on abortion rights and domestic violence would follow.
- * Similar research initiatives were being taken in the areas of children's rights, labour law, low-income housing finance and AIDS policy. It was agreed that in future it may be necessary to undertake research in the areas of land reform, customary law and the environment.

PROBLEMS EXPERIENCED

Only two noteworthy problems were experienced by LEP staff during this period:

Several community organisations were unenthusiastic and uncooperative about helping to organise LEP programmes, and in practically every case these organisations were generally unproductive, disorganised and uninformed. It is believed that with time and effort, the LEP will be able to draw these organisations into the fold.

Time, personnel and financial constraints in many instances prevented the LEP from meeting the ever-increasing demand for workshops and lectures. A strategy *must* be devised to meet this demand, as there is always a risk of losing momentum and confidence in the project, and of people in need losing the LEP's invaluable support.

THE LAC SCHOLARSHIP PROGRAMME

BACKGROUND

The LAC Scholarship Fund was established in 1991, to enable young Namibians to pursue legal studies at university. At the time, no law faculty existed at the University of Namibia and studies in law could only be undertaken in foreign countries, at an unmanageable financial cost to most Namibian students. A Faculty of Law was eventually instituted at the University of Namibia late in 1993, with the first intake of law students set for January 1994.

The selection panel for LAC scholarships consisted during the period under review of a Namibian High Court Judge, Justice Harold Levy; the Director of General Services in the Ministry of Justice, Mr Theo Angula; an attorney of the LAC, Ms Michaela Figueira; and the LAC national administrator, Mr Bisey Uirab.

The original proposal mentioned that black Namibians would be eligible for scholarships, but it was subsequently decided that awarding scholarships exclusively to black Namibians was contrary to the letter and spirit of the Constitution. Accordingly, selection was instead based on the principles of affirmative action in relation to race and gender as provided by the Constitution, and furthermore, the successful candidates would be representative of the country as a whole, so that candidates hailing from outlying districts where educational resources are scarce were not further disadvantaged. The panel pays careful attention to assessing need, and children of affluent parents are accordingly not considered. However, considering the high cost of a university education, children of middle-income families are eligible for scholarships too. Advertisements inviting applications are placed in various national newspapers during September of each year.

SCHOLARSHIPS DURING THE PERIOD UNDER REVIEW

For the 1992 academic year, 60 applications were received, with 27 of these shortlisted for interviews. A total of 12 candidates were selected. Of the 12, three were unable to take up their scholarships when matriculation results were declared null and void countrywide due to irregularities in the northern regions. Their places were filled by two other shortlisted candidates. Another candidate had to forfeit his scholarship after failing to be accepted at university, so a total of 10 scholarships were awarded for the 1992 academic year. These recipients hailed from most regions of Namibia, and registered to enter universities all over South Africa. The group included two whites and two women.

As a result of sharply increased university fees in 1993, a shortfall of funds was anticipated for supporting the existing 10 scholarship-holders, and the LAC was unable to offer the two additional scholarships which had not been taken up for the 1992 academic year. However, the panel felt that at least one scholarship should be allocated for 1993, and advertisements were placed in September 1992 to this effect. The panel also felt that the number of women scholarship-holders was too low, and out of some 100 applications received, 10 women were shortlisted for interviews. The scholarship was awarded to a woman from Katutura in Windhoek who registered for a BA LLB at the University of the Western Cape.

One of the 1992 recipients failed his year-end examinations, and was accordingly not readmitted for the 1993 academic year. His scholarship was awarded to a woman from Walvis Bay who was shortlisted for 1993, and who also registered for a BA LLB at the University of the Western Cape. All other 1992 scholarship-holders passed their year-end exams and entered their second year of study.

On condition that all scholarship-holders pass their final exams each year, all will be supported through successive years of study until completion of their degrees. The selection panel aims to allocate at least one new scholarship each year.