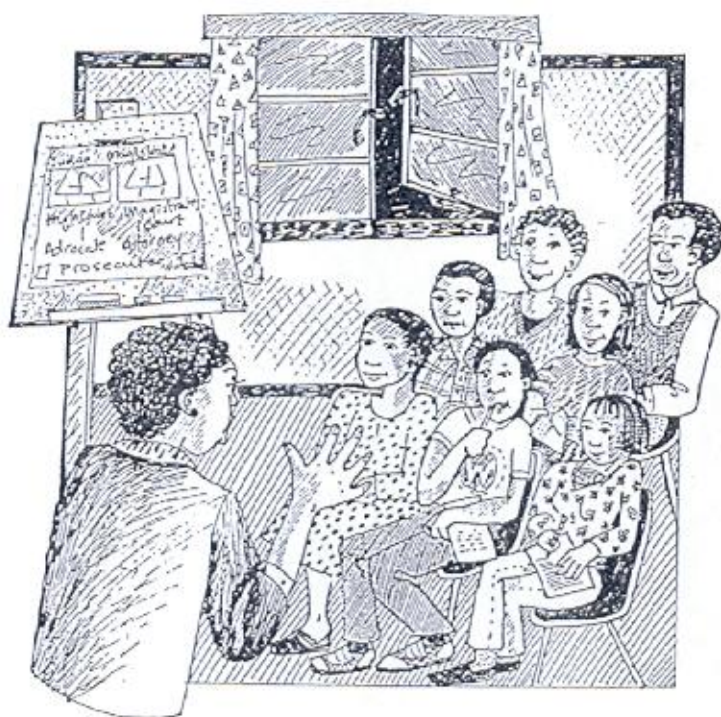


**LEGAL ASSISTANCE TRUST  
HUMAN RIGHTS TRUST  
and  
LEGAL ASSISTANCE CENTRE**



**Annual Report**

**1 July 1993 - 30 June 1994**

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We, the Legal Assistance Centre  
and its Advices Offices, being  
public interest law centres,  
collectively strive to  
make the law accessible to  
those with least access,  
through education, law reform,  
research, litigation, legal advice,  
representation and lobbying,  
with the ultimate aim  
of creating and maintaining  
a culture of human rights  
in Namibia.

In July 1993 the Legal Assistance Centre celebrated its 5th birthday. Whilst in 1988 our doors opened on a bleak and war-ravaged landscape - the long convoys of Casspirs and other machines of war setting the tone - we are now a nation at peace with itself. This is not to say that our work is over: the rebuilding of our country has presented many challenges for us as a human rights organisation. Our democracy is fragile, and the participation of many Namibians in the evolving society is limited due to many decades of marginalisation and under-development under apartheid rule. Poverty, land hunger, joblessness, denial of access to resources and past educational policies continue to be a bar on progress.

In the process of transition after independence, the LAC has drawn on its experience and redirected its efforts 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 resources to develop themselves. The Centre has accordingly redirected 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 Centre is continually being requested to become involved in new areas of activity spanning a wide range - from environmental concerns, to land issues, to the production of the Namibian Law Reports - all of which are a recognition of the fact that as an institution we are firmly rooted in the developmental processes of our country.

The year under review has been a busy and exciting one for all of us. Whilst we have had to deal with a constant flow of cases, requests for educational input and materials and involvement in a number of policy initiatives and law reform areas, our further successes have been to take steps to integrate the various projects into our overall strategy, create effective management structures for better decision-making, improve coordination between projects and develop a sound financial position together with efficient financial administration. The details of the highlights of the year are included in the report which follows.

What is abundantly clear is that access to the courts and legal representation is severely limited for the majority of Namibia's people. It is estimated that approximately 95% of people who appear in Namibian courts are not legally represented, and given the pressures on the state coffers, it is unlikely that this situation will improve. Accordingly, most people who come into contact with the law or wish to pursue matters such as wage claims or maintenance cases through the courts, stand no chance of any kind of state-funded legal aid. This is where the LAC has and will continue to step in to assist with legal advice and litigation services, which still form a very significant part of our work.

In addition, when it comes to law reform I believe that the LAC should go beyond just a technical input into the process of reform in Namibia. It is something which should involve as many people as possible, giving them a chance to exercise their democratic right to participate in the development of their country. This can be facilitated via lawyers and paralegals employed by our organisation, which process ensures not only that information gets out to the people,

but also that the people influence the kind of law reform recommended by the Centre to government. At present there appears to be a political will at decision-making level to listen to the voice of the people, and it is in this context that there is a need for organisations such as ours to help marginalised communities to express themselves concerning their needs and aspirations. In this context it is encouraging to note the words of the Prime Minister when opening the Centre's new offices in Windhoek in July 1993 when he stated that the LAC was indispensable in "developing a human rights culture and educating people about human rights enshrined in our Constitution." He added that "in all that the Centre is doing and in whatever new approaches the Centre seeks in the changing milieu, of one thing I am sure: it will continue to enrich our society by giving real meaning to democracy and to the lives of Namibians."

It is with this backdrop that we need to assess where we are and what our priorities are for the forthcoming year. It would seem that we should continue with both internal training and educational outreach in the communities. It would also seem wise to form more linkages with other NGOs where we can play a supportive role in providing legal input into their educational programmes, should this be necessary. Consideration should also be given to linking up with government institutions in order to promote our programmes. For instance, we could suggest the implementation of a programme of gender sensitisation and training on domestic violence for social workers, since they have formal training to deal with these issues but may be able to benefit further from our input.

In addition I believe we should continue to play a leading role in influencing the law reform process as well as anticipating and equipping ourselves to deal with various policy issues, such as the land question. We should continuously assess the categories of cases we litigate on, with a view to having the maximum impact. This anticipates that we should carefully examine our training needs and encourage members of staff to develop specialised skills in particular areas. Having produced various educational materials, it is important that we should find creative ways of getting the materials out to their potential users so as to ensure that they have the desired impact. It is also vitally important that we should be more self-critical when it comes to assessing in very specific terms whether we are in fact achieving our goals, given the constraints on time and resources.

It remains for me 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

## TRUSTEES

### 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

### THE HUMAN RIGHTS TRUST

Andrew Corbett

The Right Reverend Kleopas Dumeni

The Right Reverend Benjamin Haushiku

The Right Reverend James Kauluma

David Smuts

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Michaela Figueira / Clinton Light

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Shakespeare Masiza / Clement Daniels

#### PARALEGALS

Ono Angula  
George Mhoney  
Rosa Namises  
Pero Nampila

#### RESEARCHERS

Dianne Hubbard  
Kaveri Kavari  
Vemunavi Katjuanjjo

#### ADMINISTRATIVE AND SUPPORT STAFF

Absolom Andreas (caretaker)  
Joy Bartlett (receptionist)  
Perri Caplan (projects assistant and secretary)  
Sophia James (office assistant)  
Shirene Martin (secretary)  
Maria Ndura (bookkeeper)  
Mona Pfeifer (secretary)  
Bisey Uirab (national administrator)  
Anita Witt / Jacqueline Daniels (secretary)

### HUMAN RIGHTS CENTRE

#### PARALEGALS

Kari Ndoroma / Gabes Nepaya (coordinator)  
Ben Ausiku  
Erastus Uutoni

#### ADMINISTRATIVE STAFF

Tusnelde Nangolo (office assistant)  
Ruth Udjombala (secretary)

### KEETMANSHOOP ADVICE OFFICE

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

### RUNDU ADVICE OFFICE

Arnulf Hausiku / Ambrosius Makongwa (coordinator/paralegal)  
Paulina Kalola (secretary)

### WALVIS BAY ADVICE OFFICE

Lukas Johannes (coordinator/paralegal)  
Michelle Doëses (secretary)

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## 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 to fund its activities.

Founded in 1988, the Legal Assistance Centre 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 four affiliated advice offices in Namibia: the Human Rights Centre in Ongwediva, the Rundu Advice Office, the Walvis Bay Advice Office and the Keetmanshoop Advice Office. Planning is underway for two more advice offices, in the Windhoek suburb of Katutura and the eastern-central town of Gobabis.

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, Walvis Bay Advice Office and 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 (National Union of Namibian Workers - NUNW), the umbrella student organisation (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 Environment 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, a senior advocate of the Windhoek Bar; and Andrew Corbett, the present director of the Legal Assistance Centre.

The work of the trust has been generously supported by funding from foreign governments, non-governmental organisations and churches, and as of 1992, limited local donors. During the year under review, grants were received for both core and project funding from the following organisations:

Catholic Commission (for Peace and Justice - Zimbabwe)	Norad
Consolidated Diamond Mines (CDM)	Norwegian Church Aid
Christian Aid (London)	Novib
Church of Sweden Aid	Oxfam (UK & Ireland)
Danchurch Aid	RSAA
Finnish Embassy	Sida
Ford Foundation	UNICEF
Miserior	USAID

## THE HUMAN RIGHTS TRUST

The Human Rights Trust funds and controls the Human Rights Centre in Ongwediva and the Rundu Advice Office, both situated in northern Namibia. The trust was established in 1987, and 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 north of Namibia had been subjected to many 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 abuse 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 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 running costs of the Human Rights Centre were covered by EZE and the Namibian Association 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.

## THE LEGAL ASSISTANCE CENTRE AND ADVICE OFFICES

In the year under review, the organisation employed a staff of 31, comprised of three lawyers, an articled clerk, 10 paralegals, three researchers and 14 administrative and support staff. During the course of the year, Michaela Figueira resigned to become an advocate at the Windhoek Bar, Shakespeare Masiza completed his articles and Clement Daniels replaced him as an articled clerk, Anita Witt resigned as a secretary with Jacqueline Daniels replacing her, Karl Ndoroma resigned as coordinator of the Human Rights Centre and was replaced by Gabes Nepaya, and Arnulf Hausiku of the Rundu Advice Office resigned and was replaced by Ambrosius Makongwa.

The general approach and policy of all the 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 people 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 leniency, 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, negotiate on behalf of clients or take any other appropriate action without assistance from the lawyers. The role of paralegals is 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. 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.

Legal advice and litigation constituted but one of the functions of the organisation during the year under review, the others being legal education and the promotion of a human rights culture, research, law reform and advocacy. A general discussion of these functions appears in the following section of this report, and more detailed information regarding specific projects is provided in subsequent sections.

## GENERAL TRENDS, NEW DEVELOPMENTS AND PROBLEMS

As emphasised in our previous Annual Report, the challenge of a public interest law firm with a human rights focus is to remain relevant within a rapidly changing social environment. Following political independence in 1990, the essential challenge for our organisation was to determine how the guidelines regarding socio-economic rights in the Namibian Constitution could best find expression in our society, and to organise ourselves accordingly to meet this challenge, which required new skills, new insights and a new direction.

In 1990 the Legal Education Project (LEP) was established to pool the skills of paralegals and lawyers in developing a human rights culture within Namibia's constitutional democracy. The Centre continued to assist victims of human rights abuses through litigation, but also began attempting to foster a belief in law as an instrument of justice. During that year, 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.

In 1993/94, while continuing to deal with a constant flow of cases and requests for educational input and materials, the Centre also involved itself in a number of policy initiatives and law reform projects, with further successes being the integration of the various projects into an overall strategy, the creation of effective management structures for better decision-making and coordination between projects, and the development of a sound financial position and efficient financial administration.

New projects included the publication of a wide range of educational materials, research reports and opinion papers, as well as the drafting of legislation, NGO constitutions, employment contracts, deeds of trust, and so forth. Members of staff served on a number of law reform committees and worked closely with other NGOs in building an effective local network around socio-economic issues and law reform. Training was conducted for justice officials and law students, and a number of the Centre's staff received training to upgrade their skills. The range of services provided by the LAC were broadened out to include environmental issues during the year under review. Among others, these projects are all described in more detail in subsequent sections of this report.

Labour disputes constituted the single highest category among the steady flow of cases to our offices, and a very positive development in 1993 was the establishment of the District Labour Courts, the absence of which had presented a serious obstacle to the resolution of these cases. Furthermore, paralegals are entitled to appear in the District Labour Courts, so the Centre was not burdened by a lack of human resources in resolving the large number of labour matters. Clients sought advice and representation on numerous other matters too, including housing and land disputes, assault, divorce, domestic violence, insurance, pension, medical negligence, citizenship, workman's compensation, general criminal cases and a host of miscellaneous issues. The organisation as a whole was involved in a fair amount of litigation, producing some good results.

A serious obstacle to the LAC's clients obtaining justice has been the inefficient functioning of the lower courts in some areas of the country due to a lack of knowledge of legal procedure by both prosecutors and magistrates. There has also been a perceived problem with maintenance officers who have not properly dealt with maintenance cases referred to them. An ongoing problem is the fact that many clients approaching the LAC live in remote rural areas where they have no access to telephones or an effective postal service, making communication about cases very difficult. Frequently the regional radio services are used to broadcast requests for clients to call upon the Centre's offices for consultations or instructions, and although this usually elicits the desired response, the legal process is slowed in many cases. It is also problematic that lawyers and paralegals often have to cover enormous distances to provide effective legal services to outlying communities, which is costly. Other problems experienced during the year under review were internal and therefore resolvable. These pertained to management structures and the administration of projects, and will be discussed in the relevant sections of this report.

## **THE LEGAL ASSISTANCE CENTRE (WINDHOEK OFFICE)**

During the year under review, the Legal Assistance Centre (LAC) in Windhoek enjoyed the services of three lawyers, an articled clerk, four paralegals, three full-time researchers and seven administrative and support staff.

Michaela Figueira, who had served as a lawyer with the LAC since it opened its doors in 1989, resigned her post to become an advocate at the Windhoek Bar. Her post was filled by Clinton Light. Ms Figueira's secretary, Mona Pfeiffer, resigned with Ms Figueira, and Perri Caplan was appointed as a secretary to Mr Light (as well as projects coordinator). Shakespeare Masiza successfully completed his articles with the Centre, and Clement Daniels replaced him as an articled clerk. Mr Daniels had worked as a paralegal with the LAC for two years prior to taking up his legal studies at the University of the Western Cape, and the Centre was very pleased to have him back in its employ. The director's secretary, Anita Witt, who had also been in the Centre's employ since its opening, resigned her post during 1993 and was replaced by Jacqueline Daniels, who had worked as a secretary for the LAC previously. Other resignations and new appointments at the Windhoek office are detailed in the projects section of this report.

The lawyers at the Centre had by July 1993 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 taken to court during the period under review: although cases involving abuse by police officials were still prevalent, many social, domestic and labour matters were taken up, as well as several cases in the public interest which made headline news and set important historical precedents in the country. For instance, the LAC successfully litigated against the Ministry of Home Affairs securing the rights of persons threatened with illegal deportation to remain in Namibia, and represented a client charged under the Racial Discrimination Prohibition Act for suggesting in an interview that white police officers are racists and opposed to the government's national reconciliation policy. Another constitutional case involved determining whether the Namibian Police's staff code restricting their ability to criticise the force was in fact unconstitutional on the basis that it restricted their right to freedom of speech. The Centre also represented the Lubowski family in the High Court inquest into the assassination in 1989 of their son, renowned advocate and political activist, Anton Lubowski, when after a six-week hearing the court found that there was sufficient evidence to link Lubowski's assassination to specific members of South Africa's Civil Cooperation Bureau, a wing of the then South African Defence Force's Military Intelligence Unit.

The lawyers were extensively involved in matters concerning law reform, and many of these undertakings are detailed in the projects section of this report. For instance, a number of opinion papers on draft legislation were produced by the lawyers in consultation with staff researchers, such as the Centre's commentary on the Agricultural (Commercial) Reform Bill. The lawyers were also regularly consulted by legal drafters, e.g. on amendments to traffic legislation, and in some cases assisted (or will assist) with the drafting of new legislation, e.g. a new Police Act, a Child Care and Protection Act and environment legislation.

A number of new community organisations approached the Centre for general legal advice and assistance in drafting their constitutions, deeds of trust and other policy documents, and all the lawyers undertook this kind of work. Assistance here was given through to the final stage of registering new trusts with the courts and ensuring that trustees understood the rules regarding the administration of trusts.

Paralegals at the Centre opened files in a wide range of matters, though the majority were labour and maintenance disputes, which were either resolved by the paralegals through negotiations or appearances in the maintenance and labour courts, or referred to the lawyers for legal action. Apart from their case work, two Windhoek paralegals coordinated the activities of the Legal Education Project (LEP), while another served as paralegal coordinator for all offices, whose main task was to assess training needs and organise paralegal training workshops.

## LEGAL ADVICE AND LITIGATION

Labour disputes by far dominated the LAC's caseload. Most workers were reinstated or compensated following legal action taken by lawyers, and damages were obtained for almost all the victims of police assault. A horrific trend seemed to have begun in Namibia whereby people are detained for long periods of time. In one case handled by the Centre, a client was punished for alleged theft from her employer and tied up to a pole for three months. The High Court awarded damages in the amount of N\$165 000,00 in this case, which award represented one of the highest in Namibia's legal history concerning an unlawful detention. In another case, an application to increase maintenance payment amounts for certain sectors of the population was successful.

### LEGAL EDUCATION PROJECT (LEP)

Paralegals Rosa Namises and Pero Nampila are responsible for the work of the LEP at this office, although paralegal coordinator George Mhoney will join them in educating communities as part of the Legal Environmental Awareness Programme (LEAP) launched in June 1994 (see projects section).

Workshops on a wide range of topics were conducted by Ms Namises and Mr Nampila in various regions of the country, but mainly in the central and southern regions, with Ms Namises concentrating most of her efforts on educating women about their rights. An effort was made to access farmworkers in the south to discuss workers' rights, with positive results and further invitations extended.

The two also attending a number of NGO meetings, conferences and training workshops both in Namibia and abroad, focusing mainly on women's and children's rights and environmental conservation. Ms Namises was very active in helping the Department of Women's Affairs and other NGOs to prepare for the Beijing Women's Conference in 1995.

One of the main tasks of the LEP staff in Windhoek was to help researchers to compile the booklets and other educational materials produced during the year under review. They also prepared radio programmes on human rights. The LEP programme is discussed in detail in the projects section of this report.

**THE HUMAN RIGHTS CENTRE (ONGWEDIVA OFFICE)**

The Human Rights Centre (HRC) is situated in the town of 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 region. During the year under review, the HRC was staffed by three paralegals, a secretary and an office assistant. Karl Ndoroma resigned as coordinator and was replaced by Gabes Nepaya.

Whereas human rights violations perpetrated by security force members had dominated the HRC caseload prior to independence in 1990, labour matters were most commonly brought to the Centre in the years following, with maintenance cases, land disputes, pension and workman's compensation claims also frequently reported. Where paralegals were unable to resolve labour disputes through negotiations with employers, cases were referred to the Windhoek lawyers or straight to the District Labour Court. Paralegals were often hard put to deal with maintenance officers who lacked training, and clients often reported that police officials tended to sympathise with the offenders in maintenance or paternity disputes and were thus ineffectual in dealing with them. HRC paralegals have stressed the burning need for a comprehensive land policy, as well as legislation regarding customary law, as some clients reported that tribal authorities had made unfair judgements against them in both respects. The Namibian Government is currently busy with the drafting of a Land Act and customary law legislation. It was heartening to note that the incidence of unlawful arrest and police assault in the north-west region had almost completely halted.

A total of 240 files were opened by the HRC during the year under review. Of these, 38 labour matters were referred to the District Labour Court, and 41 maintenance matters to the Maintenance Court. The remaining cases were all resolved by the HRC paralegals through negotiations, or with the help of the Windhoek lawyers where legal intervention was necessary. The office was approached by many other people for assistance with a wide range of issues. Of these, 43 visits were noted in HRC reports for the record, e.g. consultations on the Legal Education Project or requests for advice on domestic disputes and maintenance. It is worth mentioning that the HRC secretary, Ruth Udjombala, as well as the office assistant, Tusnelde Nangolo, who have both served with the organisation for many years, were often able to assist clients themselves without having to refer them to the paralegals, and the Centre is very proud of them for taking this initiative. A gender officer is to be appointed in late 1994 to take up maintenance issues specifically and carry out some research for the Gender Research Project.

**STATISTICAL BREAKDOWN OF CASES**

Labour disputes	94
Maintenance matters	46
Pension claims	42
Land disputes	19
Workman's compensation claims	15
Domestic disputes	6
Housing disputes / evictions	4
Assault	4
Theft	3
Fraud	2
Homicide	1
Unlawful arrest	1
Tribal Authority disputes	1
Arson	1
Consumer claims	1
<b>TOTAL</b>	<b>240</b>

**LEGAL EDUCATION PROJECT (LEP)**

The HRC paralegals held only three LEP community workshops during the period under review, due in part to the disruption resulting from the appointment of a new coordinator, and partially to the absence of community structures in the region through which workshops are usually organised. For instance, trade unions were not well-organised and HRC staff found union officials to be generally uncooperative in helping to plan and participate in educational programmes for their members. A strategy was needed to entice interest groups in future. Nevertheless, the paralegals did hold several meetings with local chiefs and their councils to discuss the work of the organisation, and lectures on women's and children's rights were delivered to school pupils at local secondary schools. All the paralegals attended the Enviroteach workshop at Gobabeb in June 1994, as detailed in other sections of this report.

**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 Legal Education Project (LEP) in the south, where response to the outstanding LEP effort has been very positive.

The office reported that women of the region experience tremendous problems regarding maintenance of their children, and often feel too discouraged to bring their cases to court. It was also noted that there were examples of cases in which maintenance officers have sided with defendants who are friends of theirs. Many women refrain from ever bringing their complaints to the advice office as word travels about how tough the maintenance battle can be. On the other hand, many women are still ignorant of their rights, while others fail to keep a record of their appearances in court and the dates of their trials. A large number of marital disputes and divorce applications were dealt with by the advice office too.

Complaints of unfair labour practices were commonly brought to the office, and it seemed to the coordinator that many employers felt that "the Labour Act had nothing to do with them." It is pleasing to report, however, that LEP workshops on labour law do seem to be yielding results among employers of the south, slow as the process may be. Most labour disputes involved farmworkers of the region. Several labour matters were referred to the Windhoek lawyers, but the office managed to resolve most of them through negotiations with employers. At a lecture attended by the office on the rules and regulations of the District Labour Courts proved that court officials in the south - magistrates, prosecutors, labour inspectors and clerks - are ill-informed and lack the necessary training.

The office regularly deals with disputes over civil debts, many involving imprisonment of clients for failure to pay their debts. Communities of the south are generally among the poorest in Namibia, and as the office reported in 1992/93, "rent and electricity payments cause the people to have sleepless nights." Many cases are handed over to Municipality lawyers to resolve, although reluctantly since these lawyers are reputed to show indifference to the plight of people in the region. It is also 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 pass without paying their dues. In addition to his attempts to advise individuals and community groups about their rights and duties regarding municipal debts, Mr Katzao has 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.

**LEGAL EDUCATION PROJECT (LEP)**

The LEP was very active in the south, and conducted eight workshops for women on women's rights (assisted by Rosa Namises of the Windhoek Centre) and for employers and labour unions on the Labour Act. Several human rights and children's rights lectures were delivered to school teachers and pupils as well as to church groups. Mr Katzao attended a workshop organised by UNICEF to identify the problems of children in the region and was requested to submit a draft plan of action for rectifying these obstacles. He mediated in disputes between project officers and members of the Build Together Programme in the town of Karasburg, and between warring clan members in a case of livestock theft. The office received visits from representatives of Oxfam Canada and Mr Hosabe Honeb World Education Programme, and Mr Katzao attended a SANDON meeting in Zimbabwe as well as the Enviroteach workshop at Gobabeb in June 1994, as detailed in other sections of this report.

**" STATISTICAL BREAKDOWN OF CASES**

Maintenance matters	48
Pension claims	29
Divorce applications	28
Housing disputes	25
Labour disputes	24
Civil debts	21
Adoption applications	5
Passport applications	3
Assault (including one by police)	3
Workman's compensation claims	2
Estate claims	1
<b>TOTAL</b>	<b>189</b>

**THE RUNDU ADVICE OFFICE**

Rundu is a town situated on the border with Angola in the north-east of Namibia, and since opening its doors in 1990, the Rundu Advice Office has served an enormous area of more than 50 000km<sup>2</sup> with a population of over 120 000. The office was originally staffed during the period under review by coordinator and paralegal Arnulf Hausiku and secretary Pauline Kalola, but Mr Hausiku resigned in March 1994 after being found guilty of misconduct. Ambrosius Makongwa replaced him. Between the resignation of Mr Hausiku and the appointment of Mr Makongwa in May, Ono Angula of the Windhoek Centre resided in Rundu to run the office. Mr Hausiku's actions unfortunately led to a loss of trust in the advice office on the part of the community, and special efforts had to be made to regain this trust, with the director and administrator addressing a meeting to introduce the new coordinator to the community and discuss the work of the advice office. It is pleasing to report that by June 1994 the office was once again receiving a regular flow of clients. Through this unsettling period, proper records were not kept of cases brought to the office, and Mr Makongwa was unable to gather enough information for this report covering the period January to June 1994. The case statistics listed below therefore do not accurately reflect the number of files opened during this period.

As in the case of the Human Rights Centre, the Rundu Advice Office's caseload shifted significantly following independence in 1990, with social and economic rights dominating rather than abuse of rights committed prior to independence by security force members. Labour disputes were the most common complaints brought to the office, and some of these were referred to the Windhoek lawyers for legal action. Unfair dismissals and salary disputes comprised the majority of the labour cases handled by the office.

Many people of the region experienced difficulty in obtaining their pension claims during this period and frequently came to the office for help in filling in forms and liaising with pension officials. Maintenance disputes were fairly 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 for long periods and eventually referred to the office by police or church officials. Although these matters are not reflected by the figures below, it was brought to the office's attention that at times many people charged as illegal immigrants were incarcerated in the Rundu prison. This matter was taken up in litigation with the Ministry of Home Affairs, as is reported in the projects section of this report, with successful results although the office is aware that this problem still continues on a lesser scale. It is interesting to note that no land disputes were brought to the office's attention during this period, since the region is composed of communal lands falling under the control of chiefs and headmen, and in the northern regions this had posed problems for many people.

**STATISTICAL BREAKDOWN OF CASES**

**LEGAL EDUCATION PROJECT (LEP)**

Labour disputes	34
Pension claims	23
Maintenance matters	7
Assault	3
Workman's compensation claims	3
Child abuse	1
Domestic violence	1
<b>TOTAL</b>	<b>72</b>

Both coordinators during the period under review found themselves unable to satisfy the enormous demand for LEP workshops and lectures. They therefore made optimum use of radio to broadcast educational programmes, and this had the effect of advertising the project with the result that the demand grew even bigger. The demand seemed to be due to the inactivity of trade unions in the region and the regular occurrence of detention without trial of supposed illegal immigrants. Mr Hausiku conducted three workshops during this period, covering labour law, police powers, women's and children's rights and the Namibian Constitution. Mr Makongwa attended the Enviroteach workshop at Gobabeb in June 1994.

## THE WALVIS BAY ADVICE OFFICE

Walvis Bay is the main harbour town in Namibia, situated close to another large coastal town, Swakopmund, and several smaller inland towns and villages. The Walvis Bay Advice Office opened in 1990 and serves the entire population of the west coast region, up to around 200km inland. The office was staffed during the period under review by a coordinator and paralegal, Lukas Johannes, and a secretary, Michelle Doëses.

Until 28 February 1994, Walvis Bay was still governed by South Africa, which was severely problematic from a legal point of view as the Namibian Constitution and Namibian law 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. Fortunately South Africa had a progressive Labour Act which applied in the enclave, and this significantly affected the advice office's caseload, in that unfair labour practices by far dominated the work of the office. These usually involved unfair 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, and also by industry in Walvis Bay. Domestic workers also regularly found their rights abused by employers. Some labour disputes were referred to the Windhoek lawyers for legal action.

It is significant to note that Mr Johannes not only excelled during the period under review in resolving labour disputes both through negotiation and in the District Labour Court, but also played an active role on the Walvis Bay Reintegration Committee, as well as on the Committee Against Crime established by the Walvis Bay Police Public Relations Office around the time of reintegration when crime escalated dramatically in the town. He organised public meetings to address some of the problems, and was personally responsible for halting one of the more serious incidents in which fighting erupted in a workers' compound. As was reported in the November 1994 issue of our internal newsletter, Mr Johannes achieved a 95% success rate with labour cases, especially through his appearances in the District Labour Court, and has gained the confidence of both employers and legal practitioners in the region.

One problem needing urgent attention is the lack of space at the advice office: the reception area is too small to accommodate more than a couple of clients at a time, and the staff have found it difficult to maintain an organised working area and filing space. Plans for the purchase of property and construction of a new office are under discussion.

### STATISTICAL BREAKDOWN OF CASES

Labour disputes	120
Workman's compensation claims	15
Pension claims	13
Divorce applications and marital disputes	7
Consumer disputes	4
Unemployment Insurance Fund claims	3
Assault	3
Maintenance claims	2
Unlawful arrest	1
Theft	1
Homicide	1
Disability claims	1
Insurance claim	1
Fraud	1
<b>TOTAL</b>	<b>173</b>

### LEGAL EDUCATION PROJECT (LEP)

Mr Johannes conducted workshops for labour unions and women's groups, and lectured school pupils and teachers, all over the region and beyond. He conducted nine labour workshops, 13 workshops introducing participants to general human rights issues and the work of the organisation, and eight workshops for women's groups covering maintenance, marriage and divorce and women's rights in general. He approached the principals of a number of schools in Walvis Bay who were all enthusiastic to arrange lectures for their teachers and pupils, and he travelled all the way to Khorixas, a town approximately 400km inland, to deliver lectures at school and to municipal officials there. Mr Johannes also attended workshops organised by the local labour unions in which he gave some input, and he attended the Enviroteach workshop in Gobabeb in June 1994.

## THE LEGAL EDUCATION PROJECT (LEP)

The Legal Education Project (LEP) was initiated in 1990 by the Legal Assistance Centre and its affiliated advice offices to help Namibian communities, especially in outlying areas, to gain access to knowledge of the law and human rights. Political emancipation had been achieved, but in view of the widespread neglect of social, economic and other human rights, as well as the escalating incidence of criminal misdemeanor in Namibia, the uneven distribution of few attorneys and the high cost of litigation, the LAC considered it imperative that communities comprehend the law and learn to enforce their rights as part of the democratic process. At first, the LEP focused on raising awareness about human rights and their application in terms of the Namibian Constitution. But during the year under review, the programme concentrated heavily on teaching people how to exercise their rights and prevent their abuse in practical situations.

Response to the LEP's efforts has always been extremely positive, and requests for input are ever more frequent as word spreads about the programme. During follow-up workshops the LEP staff have been able to gauge the progress made by groups receiving ongoing education, and they have reported a steady maturation in terms of awareness and ability to deal with situations of abuse. The local press has begun to carry stories more regularly of communities waging a struggle for protection of their rights, which may further point to the impact of human rights education. The LEP is undoubtedly making enormous strides in equipping people to deal more effectively with their vast range of social, domestic and labour-related problems, and to build a culture of human rights in Namibia.

The LEP is staffed by paralegals of all the offices, whose skills are continually upgraded through regular internal training seminars and attendance at NGO workshops and conferences, and who are further informed by the staff researchers in Windhoek. Community workshops are conducted countrywide on a regular basis to impart information on various aspects of the law, such as women's and children's rights, the Labour Act and the Constitution. Lectures are also given on demand to school teachers and pupils, church groups, labour unions and other interest groups, and the LEP has published a wide range of educational materials on all workshop and lecture topics which are available free of charge from all the offices.

A range of booklets and pamphlets dealing with women's and children's rights was published during the year under review, covering maintenance issues, domestic violence, employment, education, drugs and alcohol abuse, and children's rights in general, launched by President Sam Nujoma at a ceremony at the Windhoek Centre in September 1993. The LEP and Gender Research Unit collaborated in pre-testing these materials at various centres around Namibia, which proved to be a mammoth task and vital process in determining whether the users of the materials found them appropriate and easy to understand. Communities were in fact able to learn a lot about the various issues through this pre-testing process.

Early in 1994 the LAC began the process of translating these materials into the four most widely spoken indigenous languages, and the Ministry of Education's National Literacy Programme expressed a wish to cooperate with the Centre in distributing the materials to ensure that they are widely used. The Ministry of Education was also very enthusiastic about the teachers' training manual developed by the LEP in early 1994 for school teachers and volunteer community trainers to use in teaching about the law and human rights, and staff of the LEP and Ministry held discussions about how best to put it to use in schools. The manual chiefly covers the Namibian Constitution, the law of persons and family, children's rights, criminal law, consumer law and law as a career, and will be distributed early in 1995.

The Namibian Development Trust (NDT) requested the Centre to cooperate with them in an educational programme concerning customary law in the north, focusing in particular on the rights of women and development of appropriate workshopping techniques, and this programme will begin once new legislation on customary law has been promulgated. Further meetings were held to discuss further cooperation between the NDT and LEP on projects of common interest, particularly gender projects. The LEP was also requested by the Department of Women's Affairs (DWA) to participate in planning for the 1995 Beijing Conference on Women, and staff attended several meetings in this regard. Other invitations to meetings on various topics of interest came from UNICEF, UNHCR, NANGOF, the Lutheran Church,

## PROJECTS

and many community interest groups around the country.

Two new LEP involvements entered into in June 1994 pertain to environmental conservation and juvenile justice. The Legal Environmental Awareness Programme (LEAP) and the Juvenile Justice Forum, both formed in June, will see LEP paralegals adding environmental and juvenile justice issues to their workshop and lecture agendas, and it is hoped that they will be able to work with young offenders at the courts. These projects are discussed in more detail in the section on new projects further on. In 1995 the LEP will begin developing a comprehensive Human Rights Education curriculum for schools. Due to the fact that this process has financial implications, it is envisaged that the LEP will co-opt other organisations, to form a Human Rights Education Forum to undertake this project.

The LAC lawyers, although not directly linked to the LEP programme, also contributed towards community education by delivering lectures to students of the newly-established University of Namibia Law Faculty, as well as to Namibian Police officials and employees of various other public and private sector institutions. It is hoped that the lawyers will be given the go-ahead to provide some training for magistrates and prosecutors of the lower courts in future. The organisation will first need to develop training materials for this undertaking.

The appointment of Perri Caplan as projects assistant in April 1994 will help to improve and consolidate LEP reporting and networking processes, and generally ease the enormous administrative load on the LEP staff. Her LEP tasks include liaising between LEP and research staff, preparing workshop materials, attending to travel arrangements and other secretarial requirements of the LEP, writing, editing or providing other assistance in the preparation of reports and producing the final copies of educational materials and other printed publications of the Centre.

## RESEARCH, LAW REFORM AND ADVOCACY

The largest area of LAC research, law reform and advocacy involvement has been that of gender. The Gender Research Project was instituted early in 1993, staffed by legal researcher Dianne Hubbard and field researcher Kaveri Kavari. The LAC lawyers and two foreign students doing their internship in Namibia further assisted the project. Ms Hubbard concentrated her efforts on thorough comparative research into the various gender-related issues while Ms Kavari travelled extensively throughout the country gathering data from maintenance files and holding interviews with court officials, women and other members of the public. One of the successes of the research process was the initiative taken by Ms Kavari to improve the maintenance procedure by educating court officials about correct legal procedure.

During the year under review, the following gender research papers were produced and distributed among government departments and NGOs: "Affirmative Action for Women in Local Government in Namibia" (June 1993), "Maintenance: A Report on the First Phase of Research" (September 1993) and "A Minimum Sentence for Convicted Rapists?" (February 1994). The project also made input into the law reform process in respect of the following legislation: the Maintenance Act, Draft Social Security Act and Draft Child Care and Protection Act. An extensive paper on abortion rights as a constitutional question was well underway by June 1994, and research into domestic violence commenced in March 1994.

Ms Hubbard and Ms Kavari held regular meetings with the Women and Law Committee of the Law Reform and Development Commission, in the hope of ensuring that the LAC's research can be used in the reform process. The Department of Women's Affairs (DWA) was also kept fully informed about the LAC's gender research. The Gender Research Project, which is funded by the Swedish NGO, SIDA, received a further boost with SIDA's announcement that it intended to continue funding the project for the foreseeable future.

A significant development has been the improved cooperation between the Gender Research Project and the LEP. Research is linked to education at a grassroots level by, for example, instead of merely collecting community complaints about maintenance and relaying them to government, the Centre took the lead in setting up a meeting between government officials and community members so that the latter could articulate their complaints directly to the officials concerned with maintenance issues. The result was increased empowerment of women who use the maintenance courts, as well as improved attitudes on the part of government officials. There has also been good cooperation between the LEP and the Gender Research Project on soliciting community input on the Social Security Act - again evidence that the Centre's work substantially influenced the Ministry's policy on this draft bill.

Other opinion papers produced by the LAC during this period concerned the amendment of traffic legislation relating to drunken driving, and the question of whether a minimum sentence for rape will be permissible under the Namibian Constitution. These papers were commissioned by the Law Society of Namibia. The Ministry of Home Affairs requested the LAC to participate in research around the reform of the Police Act so as to provide a legislative framework for a more accountable and democratic police force, as well as mechanisms for the effective lodging of complaints against the police and legislative safeguards for the treatment of incarcerated detainees.

The LAC also began working with the Ministry of Environment and Tourism on legislative amendments to enable the return of benefits (such as culling of game, safari hunting, etc) to people living on communal land through the sustainable utilisation of wildlife and the promotion of tourism. With the Centre's paralegals providing environmental education and the lawyers examining environmental legislation, the organisation looks set to make a substantial contribution towards environmental conservation in Namibia.

The LAC was also requested by the Namibian Non-Governmental Organisations Forum (NANGOF) to conduct research on the possible registration of NGOs with the Government and in particular to determine whether this would facilitate the channelling of bilateral funds from government to NGOs to conduct developmental programmes.

## PROJECTS

The LAC also became involved in a research project with UNICEF, the Prisons Department and the Ministry of Youth and Sport to determine the situation of young offenders in prisons in Namibia. A team of representatives from each of these institutions interviewed young offenders incarcerated at all eight Namibian prisons, and published a report intended for distribution among relevant government departments, NGOs and other interested parties early in 1995.

The Namibian Labour Manual was published in December 1993, setting out in simple language the provisions of the Labour Act. By June 1994 approximately 500 copies had been sold, with a profit of approximately N\$33 000,00 recorded. This was the first commercial enterprise of the Centre, and it continues to be a great success with constant requests for copies received from a wide range of public and private sector institutions and individuals. The manual will be updated annually and updates will automatically be sent to all paid-up purchasers on the mailing list.

The LAC served as the secretariat for the Southern African Criminal Law Reform Network, which meets annually to discuss issues of common concern in the region, such as legal aid, criminal law and the death penalty. Membership of this network extends as far as Uganda, Tanzania and Kenya. The LAC also keeps in regular contact with the Women in Law and Development in Africa group. LAC lawyers were active members of various committees during the year under review: Gail Super was a member of the National Committee for the International Year of the Family and coordinated the activities of the Southern African Criminal Law Reform Network, taking over from Michaela Figueira who joined the Bar in February 1994. Ms Figueira was instrumental in setting up the Aids Care Trust and serves as a trustee of this organisation. Andrew Corbett serves as a trustee of the Human Rights and Documentation Centre attached to the university's Law Department, and he also serves on the board of the Life Programme in Namibia, as well as that of the NGO/Refugee Committee. He is a trustee of the National Literacy Trust, and served on the Ad Hoc NGO Committee on Land. Lukas Johannes of the Walvis Bay Advice Office played an active role on the Reintegration Committee in Walvis Bay, and was a leading member of the Committee Against Crime established by the Police Public Relations Office just prior to the reintegration of the enclave in February 1994.

A booklet celebrating five years in existence of the LAC and advice offices was published late in 1993, for distribution among staff members, funders in Namibia and abroad, and various members of the public.

## MEDIA EXPOSURE

A number of LAC activities received coverage in the local media, ranging from successful court cases to summaries of the Centre's research and opinion papers. Various staff members were interviewed on radio and television about topical issues such as maintenance, land issues, labour law and human rights, and staff were invited to join a number of television panel discussions, e.g. on abortion and women's rights. The LAC produced a video documentary entitled "Tears of Blood", which was screened on television with favourable comments received from the public. Discussions are underway for a series of programmes on human rights issues to be broadcast on regional radio stations countrywide.

Plans for the publication of a fortnightly legal education column in a local newspaper had to be placed on hold until 1995 in order to complete other projects. Since January 1992, Dianne Hubbard has contributed a civics and legal education column to *Abacus*, the local educational supplement for Namibian secondary schools distributed countrywide every week free of charge.

## NEW PROJECTS

A decision was taken by the Law Society of Namibia to produce Namibian Law Reports, and the task of editing the reports was assigned to the LAC. A former advocate of the Cape Town Bar, Lynita Conradie, was appointed as editor of the Law Reports with effect from 1 June 1994, and an office was set up for her at the Windhoek Centre. Start-up funding was obtained and a working committee established representing the Windhoek Bar and Side Bar, the Ministry of Justice and the Judiciary. Andrew Corbett is also a member of the committee. Distribution of the first volume is scheduled for April 1995.

A Labour Research Project was instituted in May 1994, with Vemunavi Katjiuanjo appointed as the labour researcher. His first task was to research the conditions of employment of farmworkers in the various regions of the country, to be followed by more general research on labour matters on behalf of the LAC. Soon after his appointment, he and paralegal Pero Nampila were nominated as members of a tripartite commission of enquiry into the situation of domestic workers and farmworkers in Namibia, to be instituted in 1995. This commission will comprise representatives of the Ministry of Labour and Human Resources Development, employers' unions, labour unions and NGOs such as the LAC which are in a position to make recommendations on labour issues.

One of the many positive results of a Children's Act Workshop held in Windhoek in June 1994 which the LAC helped to organise was the formation of the Juvenile Justice Forum, convened by Gail Super of the LAC. The Ministry of Health and Social Services assigned the task of drafting the new Child Care and Protection Act to the LAC and Human Rights and Documentation Centre of the University of Namibia, based on the recommendations of the workshop. LAC researcher Dianne Hubbard would be chiefly responsible for producing the draft Act, to be submitted by December 1994 to the Ministry of Health and Social Services. Concurrently with this undertaking, Ms Super drafted a proposal on behalf of the Juvenile Justice Forum for funding for a pilot juvenile justice project to be administered by the LAC. This project will aim to develop a diversionary programme for young offenders and provide training for justice officials, social workers and other youth workers.

Also in June 1994, paralegals of all offices attended a Desert Research Foundation (DRFN) training workshop at the Gobabeb research station, where the Legal Environmental Awareness Programme (LEAP) was formed in collaboration with the DRFN's educational arm, Enviroteach. A comprehensive environmental training programme will be developed by LEAP and will become part of the LEP staff's workshop and lecture agenda. LAC Director, Andrew Corbett, attended a number of environmental conferences and workshops during the year under review and held meetings with Ministry of Environment and Tourism officials and independent experts, with a view to assisting with the drafting of a comprehensive Environment Act for Namibia.

At the request of the Justice Training Centre of the University of Namibia, LAC lawyer Clinton Light and Law Reports editor Lynita Conradie began preparing in June 1994 for a lecture programme on criminal procedure and other areas of law which they would conduct during the following semester. Andrew Corbett and Michaela Figueira had already established a close working relationship with the Justice Training Centre, and had delivered lectures to law students throughout the previous academic year. The Centre's commitment to assisting with the training of law students is ongoing. Mr Light also lectured police trainees and senior police officials at the Police Training College in Windhoek on criminal procedure and other aspects of policing. It is hoped that the LAC will soon help to provide training on criminal procedure for magistrates and prosecutors of the lower courts. The LAC scholarship programme is proving very successful, and 11 Namibian law students were registered with South African universities for the 1994 academic year. Discussions for a Students' Project in which law students will be invited to participate in research activities on behalf of the LAC also began in June 1994.

Plans are on the table for research into policing policy and the drafting of a Police Act, as well as for research on customary law issues involving women, as requested by the Namibian Development Trust. The Centre was also approached by the National Democratic Institute to become involved in a project to simplify bills tabled in Parliament to enable members of the National Assembly, National Council, NGOs and other interested parties to better understand them.

## **GENERAL COMMENTS**

Various managerial problems were resolved during the year under review which had resulted from weaknesses in the management structure and bookkeeping procedures, as well as the resignation of the director's secretary and inadequate coordination and communication between projects and offices. The management structure was greatly improved, and more efficient administrative procedures introduced. The appointment of Bisey Uirab to the post of administrator in May 1993 proved extremely helpful for the smooth running of the organisation, as did the appointment of a professional bookkeeper. A disruption had occurred when Anita Witt resigned as the director's secretary, but Jacqueline Daniels who had worked for the LAC previously and who therefore knew the ropes, speedily took over and minimised the disruption.

## **MANAGEMENT STRUCTURE**

The management structure was adopted by the organisation in September 1993 and proved to work well. The management committee began meeting at least once per month, and the extended management committee (which includes the coordinators of the advice offices) met once every three months. This arrangement facilitated the proper coordination of work and enhanced the level of communication between the five offices. Importantly, it gave wider legitimacy to decisions taken and afforded the opportunity of different people at the Windhoek Centre to assist with managerial functions. Monthly staff meetings were also held at the Centre, with a rotating chair, and these meetings provided an excellent opportunity to meet and discuss the Centre's work and catch up on events in the office. The advice offices were also encouraged to hold monthly staff meetings, although this was probably unnecessary in those offices staffed by only two people. The litigation committee also met when necessary to discuss litigation strategies and to determine whether borderline cases should be taken on. The paralegals held weekly meetings to discuss their cases with the lawyers, and meetings to discuss current law reports were held quite regularly. Regular trustee meetings were held too, affording the director an opportunity to discuss policy issues and activities of the organisation, thereby ensuring that the trustees were kept well-informed.

## **STRATEGIC PLANNING**

A very successful strategic planning workshop was held in September 1993. This was a follow-up to a Community Development Resources Association (CDRA) workshop in Windhoek earlier in 1993 attended by all LAC and advice office staff, where problems of the organisation were identified and facilitators advised staff on how to go about resolving them. These problems pertained mainly to certain interpersonal relations and staff structures. At the follow-up workshop, staff agreed that relationships had improved, that there was much more cooperation and goodwill between staff and that a positive spirit prevailed. Regarding structures, there was still a need to tighten up, and as a result the various management structures were developed which have had a very positive effect on the functioning of the organisation in general. The follow-up workshop also resolved a number of policy issues, for example, the conditions of service.

## HUMAN RESOURCES DEVELOPMENT

Several training programmes were undertaken during the period under review, for individual staff members who were either new to the organisation or who wished to upgrade their skills, and for paralegals to become better informed about various areas of law, such as labour law, gender issues and environmental issues. Many staff members attended workshops both in and outside Namibia, where they learned new skills and met with counterparts from other countries in the region.

George Mhoney, who coordinates paralegal activities for the organisation, attended a four-month paralegal training course organised by Lawyers for Human Rights based in East London, South Africa. The LAC Administrator, Bisey Uirab, commenced a four-month management course in Johannesburg in June 1994, facilitated by the Community-based Development Programme (CBDP), a branch of the University of the Witwatersrand's Department of Management. Both Mr Mhoney and Mr Uirab received outstanding progress reports from the facilitators of these courses. Clement Daniels attended a training programme organised by the Association of Law Societies in Cape Town in May 1994. LAC lawyer Gail Super participated in the activities of the Women and Law in Development in Africa group, and represented the group at conferences in Harare and Ghana. Ms Super also attended a six-week course in Austria on women and human rights, as well as a conference in Malawi concerning children's issues.

Michaela Figueira and Andrew Corbett delivered lectures on criminal law and the law of evidence over a period of two months for prospective magistrates and prosecutors being trained at the newly-established Justice Training Centre of the University of Namibia. Discussions were underway with the university with a view to establishing a joint certificate programme for the training of paralegals. A number of Namibian law students on vacation and foreign students doing their internships have worked at the Centre, either helping at advice offices or conducting research on behalf of the LAC. During the year under review the Centre began discussing the possibility of implementing an ongoing formal Students' Project. The LAC's scholarship programme is working out well. Ten of the 11 students studying on LAC bursaries at various South African universities passed the 1993 academic year, and it is anticipated that the first graduates will emerge at the end of 1994.

An articled clerks programme was initiated in 1993. The Centre's first candidate, Shakespeare Masiza, worked at the Windhoek office for just under a year whereafter he ceded his articles to a local commercial law firm to ensure that he received exposure to commercial work. The Centre's second candidate, Clement Daniels, began his articles during November 1993. Clement had worked as a paralegal for the LAC prior to taking up his legal studies, and the Centre was very pleased to have him back on the team.

Advice office secretaries attended a course at the Windhoek Centre in May 1994 to upgrade their computer and secretarial skills. The course was facilitated by the director's secretary, Jacqueline Daniels, assisted by the other secretaries of the Centre, Shirene Martin and Perri Caplan. This undertaking was found to be very constructive, and internal secretarial training will take place annually. This occasion also afforded secretaries the opportunity to discuss their problems and share their experiences, and further opportunities for secretarial training and problem-solving will be provided when secretaries of the Windhoek Centre accompany each office's supervising attorney on their regular visits to the offices.

## OTHER DEVELOPMENTS

Ms Caplan's desktop publishing skills make it possible to produce our own materials without employing the services of outside expertise, which is very costly. Desktop publishing hardware and software was purchased soon after her appointment to facilitate the production of materials. She also serves as the editor of the internal monthly newsletter which was resuscitated upon her appointment, and which has proved very useful for disseminating information among the staff about the organisation's various activities. The newsletter had not been produced for a number of months prior to Ms Caplan's appointment due to the lack of a staff member with sufficient time at hand to produce it.

Discussions began around mid-1994 regarding the appointment of gender officers at each of the five offices who would deal with all maintenance cases and other matters brought by women, and assist the Gender Research Project. The appointment of women to these positions is desirable, as it has been the Centre's experience that women feel more comfortable confiding their problems in other women rather than men. The gender offices would also help considerably to ease the load on paralegals. However, these officers would not be appointed until 1995 as we would not be able to facilitate training in 1994 due to an already overloaded schedule.

Due to the rapid expansion of activities during 1994, the Windhoek Centre had become too small to accommodate all the projects and new staff. Architectural plans were drawn in May 1994 and approved by the trustees and funders for office renovations to take place in two phases, the first being the construction of a new office for the Legal Education Project which would also allow for the upgrading of the caretaker's residence, and the second being the construction of a Research Centre in which all present and future research projects would be housed. Work began in June 1994 on the transformation of the Centre's double garage into an LEP Centre, attached to which is the caretaker's flat, and construction of the Research Centre will begin in 1995.

## COORDINATION AND NETWORKING

Regarding internal coordination and networking, the LAC's strategic planning workshop determined that more visits should be undertaken to the advice offices by the director, administrator, supervising attorneys and supervising secretaries. Furthermore, the Centre identified a need to coordinate and network more closely between litigators, researchers and legal education staff, the primary objective being to take up more public interest cases in areas where reform is needed most urgently. Regarding coordination and networking between the LAC and other organisations around areas of common interest, the Centre is pleased to report that it has established generally sound relationships and cooperation has yielded generally positive results. Projects undertaken in cooperation with other organisations are detailed under the projects section of this report.

The LAC's relationship with government is generally good. The Centre is working with various ministries in many areas of law reform, and despite the fact that the Centre has regularly instituted action against certain ministries where individual rights have been violated, this has not affected the Centre's generally good cooperation with government.

The LAC's relationship with its clients also seems to be positive, a fact which became apparent during meetings held at the end of 1993 with various clients as well as NGO representatives to discuss LAC programmes and receive their feedback in terms of what they felt the Centre should be doing. The advice offices were encouraged to initiate similar assessments with a view to giving the various communities they serve a chance to critically analyse the work they are doing.

The Centre has become more involved in the programmes of the Namibian Non-Governmental Organisations Forum (NANGOF), with its chief involvement being the research it has conducted on their behalf regarding the possible registration of NGOs. The Centre has also assisted NANGOF with organising and facilitating a number of human rights and law reform workshops, and has cooperated with several NGO committees, such as the Land Committee.

Discussions got underway early in 1994 with the National Planning Commission aimed at finding ways to channel funds from the Commission to NGOs for the undertaking of development projects, particularly in the rural areas of Namibia.

The LAC's relationship with the Law Society of Namibia is somewhat inconsistent. On the one hand the Centre has undertaken research on their behalf into legal issues such as minimum sentences for rapists and the Traffic Ordinance, and on the other hand, at a meeting early in 1994 the society expressed various concerns regarding a few cases which they considered the Centre should not be acting in. It was nevertheless felt that we should continue to cooperate with the Law Society, particularly in trying to establish a roll of their members willing to do occasional *pro amico* work, and also to assist in setting up a small claims court, which potentially could be administered by the Law Society.

The Centre has also forged links with a number of regional networks, such as the Southern African Criminal Law Reform Network, the Women and Law in Development in Africa network, regional trade union organisations such as the Southern African Trade Union Coordinating Conference and a regional network of farmworkers' organisations. Early in 1994 legal advice and litigation organisations from Tanzania, Malawi, Zimbabwe, Lesotho, South Africa and the LAC met in Johannesburg and established an informal network which would meet annually to assess ways of cooperating regionally in education and training.