

# Legal Assistance Trust and Human Rights Trust



**ANNUAL REPORT**  
for January to December 1997

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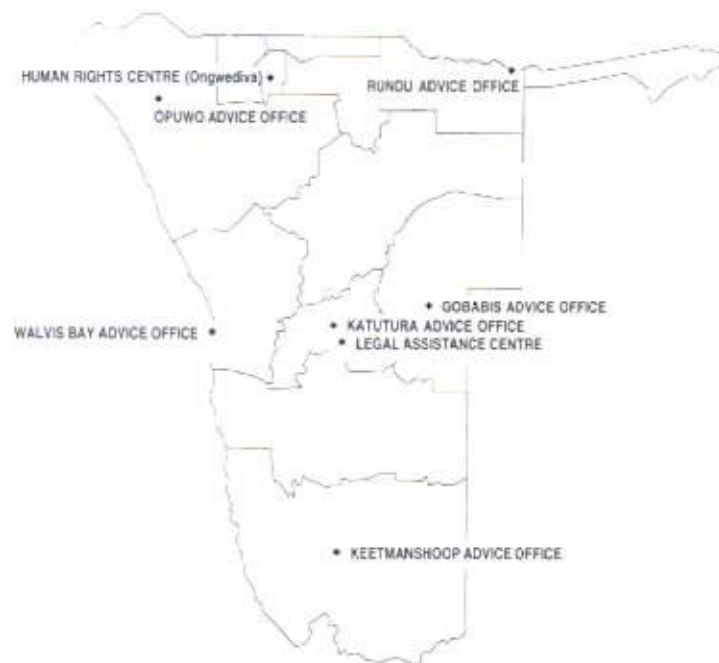
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## Mission Statement

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



**T**he Legal Assistance Centre (LAC) has its head office in Windhoek and seven associated advice offices dispersed around the country. The LAC was established in 1988 and currently employs over 60 people. It is funded by a large number of donor organisations from different countries.

## Foreword

One of the highlights of 1997 was the bestowing of the prestigious Maurice Pate Award on the Legal Assistance Centre by the United Nations Children's Fund (UNICEF).

In the citation, UNICEF acknowledged that the Centre is "actively involved in assisting labourers in their struggle to improve the workplace, in helping women seeking to obtain child support from fathers, in training community leaders and educators on the law and human rights, in conducting national surveys to provide data for legal advocacy, and in environmental education activities". Emphasis was also placed on the work of the LAC in the area of juvenile justice, which involves advocacy, screening, and legal advice for juvenile offenders. The citation was concluded with the statement that "the importance of the work of the LAC has been recognised not only in Namibia, but also in other countries in the region, inspiring replication of its approach and encouraging a broad spectrum of combined government and civil society participation". It was a great honour for me to represent the trustees and staff of the Centre in accepting this award at UNICEF's headquarters in New York. I was aware that in so doing, we joined an impressive list of individuals and organisations from around the world who have received this award since its inception more than 30 years ago.

I have to keep on reminding myself that it is only seven years since Namibia attained its independence – after a long and bitter liberation struggle in which many people lost their lives and many others suffered the brutalising effect of war, hunger and underdevelopment. Sadly, children were all too often the victims of these violations of human rights.

Now Namibia has much to be proud of as a stable, peaceful society, based on a non-racial multiparty democracy. This would not have been considered possible several years ago, and it testifies to the determination of Namibians to make the future a success. It is in part a recognition of the need to ensure that the gains achieved in the transition to democracy are nurtured and protected. The Namibian Constitution seeks to do this in the Bill of Rights which has been widely hailed as a model in the fight for human rights and democracy in Africa. However, it is

our belief that the formal entrenchment of rights provides little guarantee that they will have real meaning in the lives of Namibia's people and particularly the weaker sections of society, such as its children.

The challenge then for NGOs such as ours is to give effective content not only to the basic civil and political rights contained in our Constitution, but also to what needs to be achieved in the area of socio-economic development. Namibia's government has made significant strides in the upliftment of its people in regard to the provision of educational and health services, and the development of infrastructure, particularly in the rural areas. However, government can only meet some of the many development challenges that lie ahead, and accordingly a heavy responsibility lies with NGOs to engage in areas where government cannot or will not venture. Limited budgetary support for the state legal aid programme means that the vast majority of litigants do not have access to legal representation. Moreover, the pressure to dismantle apartheid laws requires the input of persons outside of government to assist in legislative drafting, and education around law and human rights is not and should not be the sole responsibility of the state.

The demands placed on the LAC are as numerous as they are diverse. They range from the concerns of remote rural communities trying to understand law and legal processes; to the struggles of trade unions and their members to improve their conditions at the workplace; to women battling to force the fathers of their children to pay maintenance; to diversion programmes for children to keep them out of prison; to the production of law reports, training of law students, candidate attorneys, magistrates and police; to lobbying for law reform and the drafting of legislation; to the legal representation of the poor and refugees and constitutional litigation to give content to the Bill of Rights, the mediation of land and labour disputes, to the treatment of refugees and prisoners' rights; to educational programmes for parliament, women, youth, workers, community organisations



LAC Director  
Andrew Corbett

## Foreword

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and churches; to programmes around the environment and land dispossession.

Many of these issues have a direct impact on children's rights. The LAC's educational programmes around children's rights target a wide audience through co-operation not only with civic organisations, but also by involving government institutions such as the police, immigration officials, social workers, juvenile courts, school curricula, and the government's adult literacy programmes. The idea is to have a multiplier effect by the training of volunteers both in and outside of government who are encouraged to become child rights activists. Our six regional offices provide legal advice and representation to the poor and marginalized sectors of our society. Our law reform and advocacy programmes have been principally involved in the drafting of legislation in support of children's rights. The draft Child Care and Protection Act takes note of the UN Convention on the Rights of the Child (to which Namibia became a signatory in 1990). Some features of the Act, which is to be introduced shortly into our Parliament, is a need for preventative services, counselling and self-help initiatives for families at risk, a recognition of the role of poverty in a dysfunctional family and the establishment of support services to help all Namibian families avoid situations which could lead to child abuse and neglect. It further requires professionals to report any reasonable suspicion of maltreatment to the authorities, endorses the immediate removal of a child from danger, makes children's court inquiries less traumatic for the child, requires that our Ministry of Health & Social Services play a more active role in the resolution of family problems and reaffirms the child's fundamental rights and freedoms as contained in Namibia's Constitution.

A very important and innovative component of our children's rights programme is the Juvenile Justice Project. The project, begun in 1995, has successfully introduced with government approval an ambitious system of alternatives to prison sentences for youth offenders. The results of the diversion programme have been encouraging in that there has been a noticeable reduction in recidivism, and the project has been tackling issues of rehabilitation of offenders and conducting victim-offender mediations.

These three broad areas of the LAC's work – litigation and advice, education and training, and advocacy and research – compliment one another in a way that strengthens our programmes. An example of the cross-referencing between these three broad areas of work was the work done by the LAC on maintenance. In the process of interviewing court personnel, the Gender Research Project found that the maintenance courts lacked an understanding of court procedure and administration. They accordingly gave the personnel information in this regard and developed a reference manual for the courts. In the course of the research an educational booklet was produced and used by the LAC's Legal Education Department to run community workshops on the subject. Partly as a result of this activity the LAC was approached by more clients seeking to litigate to enforce their right to maintenance. Information from these clients added insights to the research. The research results were then used as a basis to lobby for law reform and ultimately to draft a Maintenance Act which would take care of the shortcomings experienced by the LAC's clients under the existing legislation.

It would be presumptuous to assume that we have the answers to more than just a few of the problems faced by the children of our country. Namibia still has a long way to go in terms of fully implementing the Convention on the Rights of the Child. However, perhaps some of our approaches might prove useful to developing countries both within and outside our region, many of whom are experiencing the same challenges in their transitions towards democracy. By bestowing the Maurice Pate Award on the Centre, UNICEF has reminded us of our very considerable responsibility to work in our small way towards a better future for Namibia's children.

**Andrew Corbett**  
**Director**

## Awards

### LAC HONOURED FOR "EXTRAORDINARY AND EXEMPLARY LEADERSHIP"

The Legal Assistance Centre (LAC) received the 1997 Maurice Pate Award for its outstanding contributions to the cause of human rights, and especially for its role in drafting child rights legislation and its efforts in the area of juvenile justice.

The annual Pate Award is the highest honour bestowed by UNICEF. The prize recognises "extraordinary and exemplary leadership" in efforts to promote the survival, protection and development of children on a national, regional or global scale.

According to UNICEF, the work of the LAC has been recognised not only in Namibia, but also in other countries of the southern African region, where it has inspired replication of its approach and encouraged a broad spectrum of combined government and civil society participation.

The LAC was singled out from among 13 nominees for the 1997 Pate Award. The nominations were solicited from governments represented on UNICEF's 36-member Executive Board, as well as from UNICEF representatives, regional directors and national committees.

The award was received by the LAC's Director, Andrew Corbett, at a ceremony held in New York on 2 June 1997.



LAC Director Andrew Corbett receives the Maurice Pate Award for 1997

*"In its drafting of national legislation to protect children, its community-based legal education programmes and its efforts to help adolescents stay out of trouble and to assist families in need, the Centre has demonstrated a dedication to child-ren's rights that is an inspiration not only to a region, but to an entire continent."*

Carol Bellamy, UNICEF Executive Director

## Structure of the Legal Assistance Trust



# Litigation Department

The department finalised 327 cases during the period under review. This is 59 cases more than the number finalised during the previous and longer reporting period of 18 months (1 July 1995 to 31 December 1996).

A large number of labour, human rights and environmental cases were finalised during 1997. Apart from its litigation work, the department participated in workshops and conferences on, inter alia, constitutional litigation in Namibia and international conventions. Research into policy-making also enjoyed some priority, and the department produced a critical commentary on Namibia's country report under the United Nations Convention against Torture.

## IMMIGRATION

There was a decrease in the number of cases of this type, which can mainly be attributed to three factors:

- ▶ Impact litigation during the latter part of 1995 and early 1996.
- ▶ Immigrants are released upon producing a bond of security, which makes application to a court unnecessary.
- ▶ The immigration tribunal now meets on a more regular basis, therefore detainees are processed faster.

A disturbing feature, however, is the frequency with which persons are arbitrarily deprived of their Namibian citizenship on the basis of allegations that they were born in another country. The LAC took up a number of cases to test the citizenship laws.

The LAC helped a client to retrieve his passport and other documents after these were confiscated on the grounds that he has a Zimbabwean surname. In another case, Martino Neves Correia, an Angolan national who married a Namibian, appealed to the Supreme Court after the High Court ruled against his application for permanent residence. The Court was asked to declare

## STAFF

**Clinton Light** (co-ordinator, legal practitioner)  
**Andrew Corbett** (legal practitioner)  
**Clement Daniels** (legal practitioner)  
**Johann Malan** (legal practitioner)  
**Norman Tjombe** (candidate legal practitioner)

Department co-ordinator Clinton Light



## CASE BREAKDOWN

### Cases finalised during the period 1 January to 31 December 1997:

Labour matters	90	Pension claims	13
Human rights abuses	72	Consumer claims	12
Land/housing/environment disputes	37	Family-related cases	11
NGO/development support	25	Other cases	45
Criminal cases	22	<b>Total</b>	<b>327</b>

unconstitutional key sections of the Immigration Control Act. The appeal was heard on 1-2 July 1997, and on 10 February 1998 the Court ruled in Mr Correia's favour.

The Ministry of Home Affairs appeared to be in a state of administrative turmoil, with its continuous failure to respond to correspondence resulting in applications having to be made repeatedly to the High Court for orders against the Minister of Home Affairs.

### REFUGEES

The Centre pre-screens asylum seekers for the Ministry of Home Affairs. All asylum seekers are now referred to the Centre for an initial interview and evaluation of the merits of their claims. A report is written and submitted to an Eligibility Committee established by the government, which determines whether or not the asylum seeker should be granted refugee status. According to the Namibian Resident Representative of the United Nations High Commissioner for Refugees, this is the only example in Africa of this kind of co-operation.

The Centre is also actively involved in advocacy work and litigation on behalf of refugees in Namibia. An application was brought on behalf of Migual Simao Antonio, an Angolan asylum seeker who the government intended to deport back to Angola. As a result of the application the High Court directed the Minister of Home Affairs to consider Mr Antonio's application for refugee status and interdicted the Minister from deporting him pending his decision.

This High Court order demonstrates the Court's recognition that the various refugee conventions to which Namibia is a party prohibit the government from deporting asylum seekers to their countries of origin before considering and deciding on their applications for asylum.

The Centre also applied to the High Court on behalf of a recognised Rwandan refugee, Wabalinda Dco Gahizi, to compel the Minister of Home Affairs to approve his application for Namibian citizenship. Mr Gahizi qualified for Namibian citizenship on the basis of his marriage to a Namibian citizen, but the Ministry of Home Affairs first required him to relinquish his refugee status. The Minister did not oppose the application because he recognised the correct legal position as being that Mr Gahizi would automatically cease to be a refugee once granted Namibian citizenship.

### Freedom of expression and assembly

An important precedent was set in September 1997 when the government conceded that legislation requiring persons organising meetings to seek police permission beforehand was unconstitutional. This occurred after a number of public meetings had been broken up by the police, including a consultative meeting of the Ovahimba community and LAC lawyers. The High Court ordered that the Himba were entitled to meet with LAC lawyers without interference or harassment from the police. In its more general application this ruling establishes that police permission is not required for the holding of public meetings.

### LABOUR

The Centre finalised 90 labour cases during the period under review, with those involving unfair dismissal constituting the bulk.

The case of Simon Rumingo and Others versus JGA van Wyk was finally won on appeal to a full bench of the High Court. The Centre acted for 24 "employees" who were recruited in Rundu and taken to a farm in the Outjo district to work as virtual slaves, receiving no remuneration and only food. Most of these clients received just over N\$1 000 each for their two months of service to Mr Van Wyk.

The Centre acted for 150 train drivers and their assistants in an application for permission from the Labour Court to institute claims against their employer, TransNamib, for overtime pay still owing to them. The application was successful, but TransNamib appealed to the Supreme Court against the order. The amount in dispute is in excess of N\$1 000 000.



Clinton Light and his client Mr Migual Simao Antonio

### CIVIL LITIGATION

The Litigation Department scored significant successes in civil matters during 1997. In an incident involving racism, the High Court awarded Mr Joseph Shilongo and Mr Erastus Haikela N\$13 500 and N\$6 500 respectively as damages after a Mr Von Ginkel viciously assaulted them on the pretext that they had broken into his house.

### CLAIMS AGAINST THE NAMIBIAN POLICE

Cases of unlawful arrest and detention are still rife. A total of N\$110 000 was paid to six clients in respect of claims arising from their being assaulted or unlawfully arrested and detained by members of the Namibian Police.

A number of matters have been settled against the Minister of Home Affairs, but not all payments have been received to date. The problem of delayed settlement payments will have to be addressed in the future.

### Pre-employment testing for HIV

In an important test case, a client who tested positive for HIV brought an application against the Minister of Defence to declare the practice of pre-employment testing of army recruits for HIV discriminatory in terms of the Labour Act. Recruits who test positive are not employed by the Namibian Defence Force. The case will be heard in 1998. A civil claim was also instituted on behalf of the same client against the Minister of Defence for breach of confidentiality because the results of the client's test were announced to him in the presence of other people.

### STAFF DEVELOPMENTS

During the period under review Andrea Townsend left the LAC and Johann Malan replaced her as a legal practitioner. Norman Tjombe and Escher Luanda joined the Centre as candidate legal practitioners. Escher left in July. Leon Moller was attached to the Centre as a trainee legal practitioner for four months.

Members of the Litigation Department are actively developing their advocacy skills. The Centre relies far less on briefing counsel than it did two years ago, with most matters now handled in-house. This means that the Centre saves money, and also that it retains the expertise and knowledge gained by its staff litigators. A further result of this development has been increased staff team work on cases.

Norman, Escher and Leon dealt with all kinds of matters. While there is an increased burden of supervision, their contributions freed the more senior legal practitioners to handle the bigger cases. Candidate legal practitioners are now indispensable in the department.

## Litigation Department

### WORKSHOPS AND CONFERENCES ATTENDED

Clinton and Norman attended a three-day workshop on the *Determination of Eligibility for Refugee Status*, conducted by the United Nations High Commissioner for Refugees, in Windhoek in April 1997.

Norman attended a two-day conference of the Network of Legal Aid, Assistance and Advice Non-Governmental Organisations in Southern Africa, held in Gaborone in May 1997.

Clinton attended the 49th Session of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, held in Geneva on 22-28 August. He travelled to Geneva from London, where he was on sabbatical at the International Centre for the Legal Protection of Human Rights (INTERIGHTS).

Johann attended a course on *People's Diplomacy, Non-Violence and Alternative Approaches to Economics*, organised by the International University for People's Institutions for Peace, in Rovereto, Italy, in September.

Andrew attended a workshop on *Institution Building for Human Rights NGOs*, held in New York in November 1997.

Clinton attended a three-day conference on the *Legal Protection of Human Rights under African Constitutions*, jointly organised by INTERIGHTS and Afronet, held in Dakar, Senegal, in December 1997.

Clement attended the following workshops:

- ▶ *Action Learning / Conflict and Development*, a two-week workshop organised by the Community Development Resources Association (CDRA), held in Paarl, South Africa, in May and September.
- ▶ *Constitutional Litigation*, organised by the University of Zimbabwe, held in Harare, Zimbabwe, on 13-16 August.
- ▶ *Ubuntu and Labour Law*, organised by Global Education, held in Windhoek on 13 November.
- ▶ *International Conventions*, organised by Africa Legal Aid, held in Maastricht, Netherlands, on 27-30 November.

### TRAINING ACTIVITIES

Staff of the Litigation Department conducted numerous workshops and seminars for various audiences on the following subjects:

- ▶ Labour dispute resolution
- ▶ Social security
- ▶ Farm workers and poverty in Namibia
- ▶ Human Rights and development
- ▶ Human Rights in Namibia
- ▶ Labour Act amendments
- ▶ The Role of civil society in policy-making
- ▶ Bill analysis
- ▶ The Co-operatives Act
- ▶ Disciplinary action and the Public Service Act
- ▶ Copyright, freedom of speech and the Internet
- ▶ The legal position of gays and lesbians
- ▶ Human rights in Africa
- ▶ The law of evidence
- ▶ The role of the defence lawyer and human rights in the criminal process
- ▶ Drafting wills
- ▶ The Namibian Constitution and the Bill of Rights
- ▶ A career in law

## Litigation Department

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### BILL SUMMARIES

Litigation Department staff prepared the following bill summaries as part of the National Democratic Institute (NDI) Bill Summary Project:

- ▶ Local Authorities Amendment Bill
- ▶ Traditional Authorities Amendment Bill
- ▶ Namibia Central Intelligence Service Bill
- ▶ Game Products Trust Fund Bill
- ▶ Magistrates Courts Amendment Bill
- ▶ Banking Institutions Bill
- ▶ Hospital and Health Facilities Amendment Bill

### RESEARCH AND PUBLICATIONS

Litigation Department staff researched and wrote (or co-wrote with other LAC staff) the following papers/publications:

- ▶ "Critical commentary on Namibia's country report under the Convention against Torture"
- ▶ *Human Rights Training Manual for the Namibian Police* (to be completed by mid-1998)
- ▶ *Namlex* (Index to the Laws of Namibia; to be updated at regular intervals)
- ▶ "Using the Anton Piller orders to search for and find torture equipment in police stations"

## Legal Education Department

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The Legal Education Department continues to make a positive impact with its legal education programme. During the year under review this programme was strengthened and further promoted through the following activities:

- ▶ Volunteer Training Programme
- ▶ Community Workshops
- ▶ Radio Talk Show Programme
- ▶ Special Days Programme
- ▶ Schools and Colleges Programme (new)

### ACTIVITIES

#### Volunteer Training Programme

Many of the successes achieved by the Legal Education Department in 1997 involved the volunteer trainers who were trained by the department between 1995 and 1997.

The volunteers are now working independently, organising workshops in their own communities and covering numerous topics in these workshops as they were trained to do. The department was often invited to observe workshops conducted in 1997, to advise the trainers and to present more complex topics on their behalf.

The department assisted the volunteers to raise funds to finance some of their more costly efforts, but their capacity to work independently had increased to such an extent by 1997 that they were generally able to raise their own funds. Their projects in 1997 included setting up shelters for women in Windhoek and Karibib, day-care houses for children in various towns, projects for the elderly, and income-generating projects such as needlework and vegetable gardening projects.

#### LEGAL EDUCATION DEPARTMENT STAFF

**Silas-Kishi Shakumu** (department co-ordinator)  
**Rosa Namises** (training programme co-ordinator)



Department co-ordinator Silas-Kishi Shakumu

A further indication of the tremendous progress they have made over the past year is that they now report back to their communities on a regular basis.

The Volunteer Training Programme gave birth to the Namibian Women's Network, which today is one of the community-based organisations that networks with the LAC and provides follow-up services to the communities of its members.

The volunteers have established new community groups in all the localities in which they operate. This is not an easy task, yet they managed, and this was largely due to the outreach efforts of the Namibian Women's Network, which assisted the volunteers to reach the rural areas of the country.

The volunteers have committed themselves to the objective of creating a human rights culture in Namibia. In one effort towards this end, they organised a 16-day National Campaign Against Domestic Violence, as a contribution to the ongoing National Multi-Media Campaign Against Violence Against Women and Children. The volunteers' campaign ended on International Human Rights Day on 10 December 1997. Their efforts were supported by the Legal Education Department, the multi-media campaign itself, Women's Solidarity and the Royal Netherlands Embassy. Despite the failure of many NGOs to fully engage themselves in the volunteers' campaign, the leadership skills and commitment of the volunteers themselves secured its success.

### **VOLUNTEER TRAINING WORKSHOPS**

The workshops conducted by the Legal Education Department for volunteer trainers covered the following topics:

- ▶ Introduction to the LAC
- ▶ What is a paralegal?
- ▶ How to plan a workshop / How to start a new community group
- ▶ The law-making process
- ▶ Income-generating projects: preparations and fund-raising
- ▶ The Namibian Constitution
- ▶ Democracy and human rights
- ▶ Gender awareness and the rights of women
- ▶ The Maintenance Act
- ▶ The Social Security Act
- ▶ The Labour Act
- ▶ The Local Authority Act

### **RADIO TALK SHOWS**

The department covered the following topics in radio talk shows hosted by the National Broadcasting Corporation (NBC):

- ▶ Children's rights
- ▶ Gender and development
- ▶ Gender and power relationships
- ▶ Women and empowerment
- ▶ Human rights
- ▶ Day of the African Child
- ▶ Inheritance and how to draw up a will
- ▶ The work of the LAC's Legal Education Department
- ▶ Youth and the law
- ▶ Maintenance

The volunteers have identified the human rights education needs of their respective communities, and the Legal Education Department will continue to assist them to fulfil these needs. The department's training officer a

### **Community Workshops**

A number of community workshops were conducted during the period under review. However, a lot still needs to be done by the Advice Offices, whose commitment to community education still appears to be lacking. In this regard, the Walvis Bay and Katutura Advice Offices are now at the same level as the others, where previously these offices were more active than the others.

The LAC regards legal education as its backbone and is presently developing new approaches to legal education to meet the demands of its target groups in the new millenium. A focus on specific themes, such as HIV/Aids and the Law, will be one new approach to meeting the demands.

### **Schools and Colleges Programme**

The Legal Education Programme for Schools and Colleges was devised during 1997 and will be implemented in March 1998. Mechanisms are now in place to run the programme on a more formal basis. The programme will target student teachers from their first year of study through to their final year. Its aim is to support the UNESCO programme on integrating education on human rights and democracy into Namibia's school curricula.

### **Special Days Programme**

The department organises activities to mark "special days", such as International Human Rights Day, Women's Day and the Day of the Family. In 1997 the activities organised included awareness campaigns, public information-sharing workshops and radio talk shows.

## Legal Education Department

### NETWORKING

#### Namibian Environmental Education Network (NEEN)

The LAC is a member of NEEN and serves on the network's Steering Committee. Silas-Kishi Shakumu represents the LAC on this committee.

#### Namibia Children's Broadcasting Forum (NCBF)

The LAC has been working closely with UNICEF and NBC on the NCBF since June 1997, through the Legal Education Department. The purpose of this forum is to produce policies that assist not only broadcasters, but also institutions dealing with children's issues. Silas-Kishi Shakumu is the LAC's representative on the NCBF Steering Committee.

#### National Multi-Media Campaign

The LAC is involved, through its Volunteer Training Programme, in the National Multi-Media Campaign Against Violence Against Women and Children, and continues to serve on the Women and Child Protection Unit's board. Rosa Namises represents the LAC in both cases.

#### UNESCO Subregional Committee on Human Rights and Democracy in Education:

The LAC serves on this committee, whose aim is to guide the programme on implementing education on human rights and democracy in Namibian schools, supported by UNESCO and the Ministry of Higher Education. The Legal Education Department will supplement this effort by introducing its Schools and Colleges Programme in 1998, which will initially target student teachers in all four colleges of education in Namibia.



Training programme co-ordinator Rosa Namises conducting a workshop with a community group

### STAFF DEVELOPMENT – WORKSHOPS ATTENDED

- ▶ Kishi Shakumu attended a one-month *Human Rights Camp* in Ghana.
- ▶ Monica Kahure of the Walvis Bay Advice Office attended a one-week course on *Human Rights Education* in Uganda.
- ▶ Rosa Namises attended a three-day course on *Gender Consultancy* in Zimbabwe.
- ▶ Rosa Namises visited Germany together with one of the volunteers in the Volunteer Training Programme, as a training exercise for the latter, and to share information with various groups in Germany about the LAC's work and women's progress in Namibia.
- ▶ Tania Pieterse of the Walvis Bay Advice Office attended a three-day workshop on *Human Rights Consultation* in Johannesburg.

# Gender Research Project

The activities of the Gender Research Project revolved around the following issues during the period under review:

- ▶ Divorce
- ▶ Maintenance
- ▶ Rape
- ▶ Violence against women and children
- ▶ Affirmative action
- ▶ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- ▶ Abortion
- ▶ Domestic workers
- ▶ Land
- ▶ HIV/Aids

## DIVORCE

Divorce was the project's major research topic during 1997. Namibia's divorce laws are antiquated, providing limited grounds for divorce and determinations based on the concept of "guilty" and "innocent" parties, which has long been discarded in most other jurisdictions. Furthermore, divorces can only be granted in the High Court which sits in Windhoek, resulting in great practical disadvantage for most Namibians who might wish to divorce. The issue of divorce is intimately connected with the serious problem of domestic violence, which is believed to be widespread in Namibian society. As more Namibian women find the courage to take a stand against this kind of abuse, the number of queries about the law on divorce increases. Divorce law also has obvious implications for the welfare of the children of the marriage in question.

Early in 1997 Namibia's paralegals received training in research methodology. Then, during the course of the year, paralegals based in different parts of the country carried out focus-group discussions and individual interviews to explore the opinions of people in different regions. This initiative also attempted to explore the intersections between civil law and customary law in questions concerning marriage and divorce, since a significant number of Namibians undergo both customary and civil marriage ceremonies.

## STAFF

Dianne Hubbard (project co-ordinator/researcher)  
Doufi Namalambo (researcher)  
Laura Tjihero (researcher)



Dianne Hubbard and Doufi Namalambo

## ARTICLES AND PUBLICATIONS

The Gender Research Project produced the following articles and publications during the period under review:

- ▶ *Gender and the Law* (newspaper column)
- ▶ Educational material for domestic workers and their employers
- ▶ "Lessons for Namibia from South Africa's Prevention of Family Violence Act"
- ▶ "The Age of Consent"
- ▶ "A Case Against Mandatory HIV Testing of Rapists"

## Gender Research Project

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At the same time, the project applied a detailed questionnaire to a representative sample of divorce files from the High Court spanning a five-year period. The goal was to obtain more detailed information about the current approach, as well as to find out whether there are ethnic or regional patterns which might give insights into the accessibility of formal divorce procedures.

By the end of 1997 the material collected from the group discussions and interviews had all been transcribed and translated into English, while the data from the court files had been prepared for computer analysis and correlation. This material will be analysed in 1998, for publication in a research report which will also look at divorce laws in other countries and the possible use of community-based mediation to resolve issues relating to the division of property and child custody.

One exciting aspect of this project is that it was the first major LAC research initiative in which all the field work was carried out by LAC staff members. Previous research projects have paired LAC staff members with consultants who already had experience in socio-economic research methodologies. The combination of research and capacity-building slowed the research process somewhat, but this kind of on-the-job staff development is believed to be the most effective approach in the long run.

### MAINTENANCE

Maintenance emerged as a priority concern shortly after independence. Many women complained about the difficulty of securing maintenance for their children, and about the inefficient operation of the maintenance courts.

In 1993 the LAC began extensive research into the operation of Namibia's maintenance courts, in consultation with the Law Reform and Development Commission (LRDC). The research findings, which included draft legislation,

were published in September 1995. During 1996 the LAC met to discuss the recommendations which grew out of the research with members of a subcommittee appointed by the LRDC specifically for this purpose. These discussions led to the refinement of some of the LAC's initial recommendations. The subcommittee submitted a report on maintenance to the full LRDC in August 1996.

In September 1997 the LRDC published a report which incorporated these recommendations, thus hopefully moving a long research and advocacy process closer to fruition. The LAC's research and recommendations have already been

*"The Law Reform and Development Commission will draw, in the first instance, on national expertise from organisations which have served it well in the past, such as the Legal Assistance Centre, which has proven competence and excellence."*

LRDC press release, November 1997

utilised as a basis for amendments to the South African Maintenance Act which will be introduced in the South African Parliament early in 1998. In Namibia the LAC will now focus its attention on lobbying for parliamentary action on this crucial issue.

### VIOLENCE AGAINST WOMEN AND CHILDREN

Several LAC departments, including the Gender Research Project, participated in a National Multi-Media Campaign Against Violence Against Women and Children during 1997. This effort was co-ordinated by the

## Gender Research Project

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Ministry of Information and Broadcasting, but most of the projects were executed by NGOs. The LAC organised a "Focus Week" which brought together women from all regions in Namibia for discussion of the problem of violence. The Gender Research Project worked closely with the LAC's Legal Education Department in organising this activity. The project also participated in a two-week training course for police officers on how to handle domestic violence cases more sensitively, and gave testimony at a national hearing on violence against women and children convened by the LRDC.

Since independence numerous appeals for law reform on rape have been made to the Ministry of Justice and the LRDC by a diverse spectrum of organisations, including the LAC. The Gender Research Project has also provided research on specific aspects of such reform during the past few years. The spotlight was further thrown on the issue after a series of public demonstrations was organised by the Namibia National Women's Organisation, with the assistance of the LAC and other NGOs, in response to the tragic rape of a young girl in Tsumeb in 1997.

A draft Combating of Rape Bill prepared by the Ministry of Justice was circulated to interested organisations for comment late in 1997. The Gender Research Project submitted detailed written suggestions, most of which have already been incorporated into the working draft. In addition, the project devoted specific attention to controversial issues related to the proposed law on the age of consent for sexual activity and the spread of HIV/Aids through sexual assault.

We prepared brief background papers on these issues for the ministry's consideration, and summarised key points in a series of newspaper articles published in *The Namibian*. Feedback indicated that the articles had a significant impact. For example, several people contacted the LAC to say that they had found our argument against mandatory HIV testing for rapists to be persuasive, and the government's draft does not advocate such testing at this stage. The

project's proposals on the age of consent appear to have been influential in contributing to a compromise in the draft law, which provides one level of protection for children up to age 12, and another for boys and girls under age 16. The project will be following the progress of the draft rape law closely during the course of 1998.

The Gender Research Project has also been involved in an examination of legal issues around domestic violence. We prepared an analysis of recent South African law reforms in this area for the use of the LRDC and gave input into drafts of a discussion paper on this topic which is expected to be published for comment by the LRDC in 1998.

### AFFIRMATIVE ACTION

The Gender Research Project provided detailed written comments on a draft Affirmative Action Bill prepared by the Ministry of Labour, and engaged in fruitful discussions on this proposed law with ILO consultants advising the ministry on affirmative action. We will be following the progress of this bill closely during 1998.

The project also began collecting data for a study of the operation of the statutory affirmative action provision in Namibia's second local government elections which were originally scheduled for November 1997. This study will be a follow-up to the assessment of affirmative action in the first local government elections published by the Gender Research Project in 1993. The second local government elections were postponed to February 1998, delaying this research initiative, but it will continue as soon as the election results are available.

### CEDAW

In 1996 the LAC was commissioned by the Department of Women Affairs to

## Gender Research Project

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draft Namibia's first country report to the UN under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As a result, Dianne Hubbard of the Gender Research Project was invited to accompany the government delegation when it presented this report to the UN Committee on Women in July 1997. The inclusion of an NGO representative in the government team was a concrete indicator of the co-operation involved in the preparation of the report, and it also provided an opportunity for public and private lobbying on key issues from an NGO perspective. The report itself was praised by the committee for its candour and comprehensiveness.

### OTHER AREAS OF WORK

#### Abortion

*"The high degree of government-NGO co-operation on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) report reflects the Namibian Government's conviction that progress on gender issues in the country will be most effective if addressed by government and NGOs working in partnership."*

Foreword to CEDAW country report by His Excellency President Sam Nujoma

This issue continues to inspire heated public debate. The draft bill proposed by the government in 1996 has not yet been taken forward, and demand for the discussion document prepared by the LAC around this bill continues to be high. During 1997 members of the project spoke about this issue in a variety of fora, emphasising the rights aspect of the debate and presenting comparative information from other countries. The project was invited to participate in a live television debate on this topic, and published a newspaper article as a follow-up

to this television appearance. Project staff have been consulting with a local women's group on issues of timing and strategy around possible constitutional test cases concerning a woman's right to choose.

#### Domestic workers

As a follow-up to the 1996 research report on the living and working conditions of domestic workers, the Gender Research Project has been providing ongoing support and advice to the Namibian Domestic and Allied Workers Union to help them to increase their capacity to take up some of the suggestions in the report. The project also produced a set of educational materials on the rights of domestic workers – one booklet aimed at workers and another at employers. These publications were launched by First Lady Kovambo Nujoma in early 1997 and have proved to be very popular.

#### Land

During discussions of the draft Communal Land Bill tabled by the government, the Gender Research Project provided a gender analysis of the bill to influential policy-makers. Reports from behind the scenes indicate that information from this document did enter into internal discussions around the bill.

#### HIV/Aids

The Gender Research Project represents the LAC on a newly-formed Technical Legal Committee which will be advising the Ministry of Health and Social Services on a range of legal issues relating to HIV/Aids.

## Gender Research Project

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### ADVOCACY

During the second half of 1997 the Gender Research Project began writing regular newspaper columns for publication in *The Namibian*. In addition to covering topical gender issues in Namibia, the column highlights interesting developments in other countries.

One particularly popular column was the "Gender Scorecard" which gave "thumbs up" and "thumbs down" to gender developments in the legal field during the course of the year.

The importance of follow-up and lobbying work on key gender issues became more and more apparent during 1997. As a result, plans were laid for the introduction of a new advocacy position within the Gender Research Project in 1998.

### EXCERPT FROM THE "GENDER SCOREBOARD" (December 1997)

Cabinet recently approved a National Gender Policy which was launched by the Department of Women Affairs on 10 December 1997. This policy is very progressive and comprehensive, and it provides a good analysis of gender problems in specific sectors.

The strongest aspects of the policy are its concrete promises. For example, in the section on violence against women and children, the government pledges to enact a "Domestic Violence Act" which will penalise abusive partners. The section on gender balance in decision-making promises to apply affirmative action for women to the selection of regional representatives for the National Council. In the section on education, specific plans for assisting pregnant teenagers include establishing affordable child-care facilities and putting parental counselling services into place.

Unfortunately, much of the policy is rather vague. The government pledges to do things like "support" the development of programmes, "promote" equal opportunities for women, and "encourage" other parties to take positive action. It is in the nature of policy documents to be general, but we would have liked to see more specific priorities, goals and target dates for government action. Hopefully forthcoming programmes of action for specific sectors will provide more detailed plans and measurable objectives.

The most exciting aspect of the Gender Policy is the commitment of the Department of Women Affairs to establishing a formal presidentially-appointed Gender Commission within the next six months. The commission will monitor the implementation of the Gender Policy and consider presentations and complaints from the public. This is the sort of mechanism that can give the Gender Policy some teeth, and a promising prospect for the future.

# Juvenile Justice Project

The Juvenile Justice Project (JJP) has developed rapidly over the past two years. During 1997 the project began to decentralise its activities, for example its diversion programmes, so that juveniles other than those based in Windhoek will be able to benefit from them. To achieve this objective the JJP has been providing training on juvenile justice to selected social workers, youth officers and police officers throughout the country. Through this training effort the proper structures for diversion programmes will be established in the regions, as directed by the Prosecutor-General when he granted permission to decentralise the programmes in October 1997.

Apart from these decentralisation activities the JJP continued to focus on its main areas of work, which include the following:

- ▶ Speeding up the process of removing juveniles from prisons and police cells.
- ▶ Giving priority attention to juveniles currently awaiting trial in prisons and police cells.
- ▶ Educating all role-players about the need for juveniles to be diverted from the criminal justice system.
- ▶ Instituting options for Namibia's judicial and policy systems for diverting juveniles from arrest, court procedures and prison sentences.
- ▶ Facilitating a life skills programme combined with weekend camps for diverted juvenile offenders.
- ▶ Monitoring and evaluating community service as a sentencing option.
- ▶ Rendering aftercare services to juvenile offenders and their families.

## ACTIVITIES

### Monitoring the arrest and awaiting-trial phase

The JJP monitors the treatment of juveniles by their arresting officers and by the police and fellow inmates during their detention. The monitoring activity also aims to ensure the separation of juvenile and adult prisoners. In this regard one achievement of the project in 1996 was to secure the agreement of the prison authorities to allocate two separate cells for juveniles at the Wanaheda Police Station in Katutura.

A major problem still facing juveniles who are arrested is that their parents are not informed of

## STAFF

**Doris Roos** (project co-ordinator – study leave)  
**Celeste Zaahl** (acting project co-ordinator)  
**Jannah Kamwanyah** (social worker)  
**Senorita Gases** (social worker)  
**Ricardo Mukonda** (intern social worker)  
**Sophie James** (secretary/receptionist)



Project co-ordinator: Doris Roos

their arrest. Another problem is that individual police officers hold the view that young offenders are rehabilitated in police cells. As a result the youth are generally held overnight in overcrowded conditions.

Through its monitoring of the arrest and awaiting-trial phase the JJP has been able to identify individual police officers who make no distinction in their treatment of juvenile and adult prisoners, and who should therefore be targeted for training with the project.

## Juvenile Justice Project

### Screening at magistrates' courts

This activity involves assessing what diversionary option or course of action would best meet the needs of the individual juvenile offender. During this process, personal information about the juvenile as well as information about the actual incident leading to his/her arrest is collected and recorded on the Case Information Form and Case Monitoring Form. These forms are very important, as they serve as the basis for assessment and future research on issues relating to the juvenile justice system.

It has been determined that for several reasons juveniles should ideally be screened at police stations rather than magistrates' courts, and the JJP has initiated efforts to have the screening venue shifted accordingly.

### Diversion and alternative sentencing

#### Consensus decision-making

This refers to a process of facilitating communication between the victim and the offender after a crime has been committed. It gives the victim a participatory role in resolving the conflict, and the main objective of the process is to reach an agreement, with the aid of a mediator, which could consist of an apology, monetary compensation and/or indirect compensation for losses suffered by the victim.

More cases involving juvenile offenders have been handled through consensus decision-making sessions, most of which render positive results. Prosecutors are supportive of this strategy if the victim is consulted in advance.

Although not strictly a diversionary or alternative sentencing option, consensus decision-making provides an alternative to criminal justice

### TRAINING ACTIVITIES

The following training activities were organised by the Juvenile Justice Project:

- ▶ Juvenile justice training workshop for LAC paralegals
- ▶ Grid Evaluation Workshop
- ▶ National workshop for social workers on juvenile justice
- ▶ Police training workshop on juvenile justice
- ▶ Family Life Empowerment Workshop (for LAC paralegals)
- ▶ Juvenile justice workshop for justice personnel in Erongo Region

Workshops attended by Juvenile Justice Project staff:

- ▶ Workshop on juvenile justice conducted by South Africa's National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO)
- ▶ Appropriate Justice for Young People: Exploring Alternatives to Rehabilitation
- ▶ Mobilisation for Children's and Women's Rights
- ▶ Juvenile Justice Workshop
- ▶ Workshop for parliamentarians on the UN Convention on the Rights of the Child
- ▶ Workshop on the screening of young offenders

### PUBLICATIONS

The Juvenile Justice Project produced the following during 1997:

- ▶ *Police Training Manual*
- ▶ "Country Paper on the UN Convention on the Rights of the Child" (with assistance from other LAC staff)

## Juvenile Justice Project

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system procedures and lightens the load of the already overloaded courts. It also leads the parents or guardians of young offenders to assume responsibility for their children's actions.

### Life Skills Programme

This programme is comprised of six sessions held on one afternoon per week over six consecutive weeks. It seeks to encourage the juvenile offender to behave within broadly acceptable societal norms and therefore to avoid further involvement in criminal activities. It also involves the juvenile's parents or guardians, who are requested to attend the first and last sessions.

The Life Skills Programme for juvenile offenders is gaining popularity, and more and more young offenders are being diverted to the programme as a diversionary option.

### Community service

Community service is only used as a sentencing option at present. This unfortunately means that juveniles offenders do not evade a criminal record through this option. The JJP is presently working on a community service policy document for the whole country.

### Networking

The main focus of the JJP during the past six months has been to help extend the juvenile justice system to other regions of the country. To this end the project has provided training for the relevant role-players in the regions, such as government ministry officials, social workers and police officers, and it has continued to network widely with government departments and NGOs working with youth.



Juvenile Justice Staff Members

# Administration Department

The Administration Department continues to play a cardinal role in the LAC. The administrative team provides secretarial, reception, bookkeeping and general support services to all other departments at head office, and to the advice offices as required. The manager is responsible for the overall co-ordination of administrative functions.

The LAC's salary system was computerised in January 1997 as a means of enhancing administration services and the efficiency of the accounts department.

## STAFF DEVELOPMENTS

Bisey Uirab returned in October 1997 to resume his post as manager after a 15-month study sojourn in England. Clement Daniels filled the manager's post during Bisey's absence. Festus Popyeni Hamukwaya was employed as the LAC's in-house materials development officer.

Other than these developments the administration team comprised the same members of staff as in the previous reporting period.

## TRAINING ACTIVITIES

Administration Department staff received the following training:

- ▶ Collette Brandt attended a meeting of the LAC's Policy Planning Committee in November 1997.
- ▶ Patricia Claasen attended a bookkeeping course at Damelin College from May to July 1997.
- ▶ All secretaries of head office and the advice offices attended a two-day workshop to upgrade their skills.

## STAFF

**Bisey Uirab** (manager)  
**Clement Daniels** (acting manager – July 1996 to October 1997)  
**Sarah Fischer** (accountant)  
**Patricia Claasen** (bookkeeper)  
**Roadine Willemse** (legal secretary)  
**Collette Brandt** (legal secretary)  
**Maggy van Rooi** (legal secretary)  
**Joy Bartlett** (receptionist/secretary)  
**Sophie James** (receptionist/secretary)  
**Joseph Kahuika** (office assistant/messenger)  
**Andreas Absolom** (office assistant/caretaker)  
**Festus Popyeni Hamukwaya** (materials development officer)



Manager Bisey Uirab



Acting manager Clement Daniels

# Advice Offices

## KATUTURA ADVICE OFFICE

The Katutura Advice Office essentially serves the residents of Katutura and Khomasdal. The office continued to be inundated with cases during the period under review, the bulk of which were labour cases. Apart from providing general advice and consultation services the office represented a number of clients in the District Labour Court, most of these involving unfair dismissal.

Throughout the year this office utilised local media such as the Namibian Broadcasting Corporation and Katutura Community Radio to raise community awareness about human rights and the work of the LAC. This office conducted several workshops for labour union officials.

Office staff assisted the Gender Research Project with research on divorce-related matters and found the experience very rewarding. The office also made inroads into squatter communities in the Windhoek area, its work with these communities having focused on the rights of women and children.

### TRAINING ACTIVITIES

The office conducted workshops for labour union officials and community groups on the following subjects:

- ▶ The Labour Act
- ▶ The work of the LAC and its advice offices
- ▶ The Married Persons Equality Act
- ▶ The rights of single mothers
- ▶ Women's rights
- ▶ Children's rights

Staff attended the following workshops:

- ▶ LAC paralegal training workshop
- ▶ Action Learning for Development

### STAFF

**George Mhoney** (co-ordinator/paralegal)  
**Ono Angula** (paralegal)  
**Monica Nganjone** (paralegal/gender officer)  
**Karin Mvula** (secretary/receptionist)

### CASE BREAKDOWN

Cases handled by the Katutura office during the period 1 January to 31 December 1997:

Labour matters	85
Maintenance claims	16
Inheritance claims	15
Pension claims	14
Family-related matters	13
Medical negligence claims	2
Assault cases	1
Other cases	10
<b>Total</b>	<b>157</b>

## Advice Offices

### GOBABIS ADVICE OFFICE

Cases involving unfair labour practices comprised the bulk of this office's case load during the period under review. The office handled 126 labour cases, this being 64 more than in 1996 when the office was established. Apart from handling its case load this office conducted several community workshops to raise awareness in the local community about human rights and the work of the LAC.

Gobabis is the main urban area in the Omaheke Region, and during 1997 it managed to reach out to rural communities with its legal education programme. The workshops on labour law and the rights of farm workers were particularly well-received, since many of the region's major problems are linked to labour relations and labour practices on farms.

#### TRAINING ACTIVITIES

The office conducted community workshops on the following subjects:

- ▶ The Social Security Act
- ▶ The rights of domestic workers
- ▶ Domestic violence
- ▶ Child abuse
- ▶ Maintenance

Office staff attended the following workshops/meetings:

- ▶ Workshop on the San organised by the Working Group of Indigenous Minorities in Southern Africa (WIMSA)
- ▶ LAC paralegal training workshop
- ▶ Workshop on Early Childhood Development (conducted by the Juvenile Justice Project)
- ▶ LAC divorce research workshop
- ▶ Volunteer training workshop (conducted by the LAC Legal Education Department)
- ▶ Omaheke Development Forum Workshop organised by Oxfam

#### STAFF

**Mberipo Kamaheke** (co-ordinator/paralegal)  
**Edith Khiba** (secretary/receptionist)



Staff of the Gobabis Advice Office

#### CASE BREAKDOWN

Cases finalised in Gobabis during the period  
1 January to 31 December 1997:

Labour matters	126
Pension/insurance claims	6
Maintenance claims	5
Other cases	80
<b>Total</b>	<b>217</b>

## Advice Offices

### KEETMANSHOOP ADVICE OFFICE

This office experienced a reduction in its case load from 298 in 1996 to 219 in 1997. This can be attributed to the fact that more and more people are acquiring information about their rights and are taking their complaints directly to the relevant authorities.

The office conducted numerous community workshops in collaboration with the Namibian Non-Governmental Organisations Forum (NANGOF). These workshops aimed to motivate local communities to become involved in the LAC's Legal Education Project, and in the land reform process. At one workshop it was decided that the office would play a co-ordinating role between NGOs and CBOs in the region and the NANGOF secretariat.

A Norwegian television crew visited the office in 1997 to observe its daily activities and interview its staff members on behalf of the Norwegian donor organisation NAMAS.

A group of 12 women from various organisations in South Africa visited the office in 1997 to exchange views and strengthen co-operation.

Office co-ordinator Aloysius Katzao was a member of the team that carried out an evaluation of The Bridge, an organisation based in Mariental that serves as a half-way house for released prisoners.

The office, along with the churches in the region, played a very important role in activating youth to become more involved in human rights issues.

### TRAINING ACTIVITIES

**The Keetmanshoop Advice Office conducted the following workshops:**

- ▶ Workshop for community leaders on the LAC Juvenile Justice Project
- ▶ Workshop for community leaders on community development
- ▶ Workshop on maintenance for young women based in Lüderitz
- ▶ Community workshop on Section 65A proceedings
- ▶ Workshop for local NGOs and CBOs on consulting with NGOs
- ▶ Workshop for NATUA shop stewards on the Labour Act
- ▶ Workshop for NATUA shop stewards on the Social Security Act
- ▶ Community workshop on wills and testaments

**Staff attended the following LAC workshops/meetings:**

- ▶ Juvenile justice workshop
- ▶ Divorce research workshop
- ▶ Strategic planning meeting

### STAFF

**Aloysius Katzao** (co-ordinator/paralegal)  
**Trudie Böck** (paralegal/gender officer)  
**Wilma Isaaks** (secretary/receptionist)



Staff of the Keetmanshoop Advice Office

### CASE BREAKDOWN

**Cases handled in the period 1 January to 31 December 1997:**

Labour matters	65
Maintenance claims	44
Divorce applications	25
Contractual disputes	16
Housing/estates/deed disputes	15
Pension/insurance claims	8
Assault/unlawful arrests	6
Workmen's compensation claims	2
Other cases	38
<b>Total</b>	<b>219</b>

## Advice Offices

### HUMAN RIGHTS CENTRE (HRC) (Ongwediva)

The HRC continued to receive numerous complaints involving land and labour disputes. There was a marked decrease since the last reporting period in the number of maintenance cases handled by the office, and this encouraging development may be largely attributed to the HRC's community outreach efforts.

Elly Shipiki resigned his post as HRC co-ordinator to further his LLB studies at the University of Natal in South Africa.

HRC staff visited Opuwo in February 1997 to attend a public meeting on the controversial Epupa Hydro-Electricity Power Project as representatives of the LAC's Legal Environmental Awareness Programme (LEAP) and Land, Environment and Development Project (LEAD).

Due to the LAC's involvement in HIV/Aids issues, the Ministry of Health and Social Services invited the HRC to attend a press conference at the Oshakati Multi-Purpose Youth Resource Centre on 7 March 1997 which dealt with the complaints of an HIV sufferer, Mr Willem Lukas. Mr Lukas had complained to the HRC that the medicine prescribed to treat his condition was too expensive since he only received NS300 as a disability allowance from the Ministry. The HRC assisted Mr Lukas and others to negotiate a better deal with the Ministry.

Acting HRC co-ordinator Napoleon Utoni was invited by the Northern Namibia Trade Fair Committee to attend the launch of a book entitled *Managing Your Business Better*. (The HRC had a stall set up at both the 1996 and 1997 trade fairs to disseminate information about human rights and the LAC.)

Napoleon was also invited to attend a meeting of the Namibian Economic Policy Unit (NEPRU) in April 1997, which was convened to discuss a recent study on private grazing enclosures in Eastern Oshikoto.

The office continues to play an important role in mediating in family and land disputes where customary law applies. In this regard the HRC has provided training for traditional leaders to assist them to become better conflict mediators and to practice the rules of natural justice.

#### STAFF

**Napoleon Utoni** (acting co-ordinator/paralegal)  
**Ben Ausiku** (paralegal)  
**Ruth Hekandjo** (paralegal/gender officer)  
**Rita Mukwillongo** (secretary/receptionist)  
**Tusnelde Nangolo** (office assistant)

#### CASE BREAKDOWN

##### Cases handled by the HRC during the period 1 January to 31 December 1997:

Labour matters	119
Maintenance claims	24
Pension/insurance claims	15
Land disputes	12
Other cases	50
<b>Total</b>	<b>220</b>

### HRC TRAINING ACTIVITIES

The Human Rights Centre conducted community workshops on the following subjects:

- ▶ Introduction to the LAC
- ▶ Labour law
- ▶ Inheritance law
- ▶ Wills and testaments
- ▶ Maintenance
- ▶ The Married Persons Equality Act
- ▶ Domestic violence
- ▶ Gender

Office staff attended the following workshops/meetings:

- ▶ LAC paralegal training workshop
- ▶ LAC juvenile justice workshop
- ▶ LAC gender research workshop
- ▶ Presentation of the Traditional Authorities Bill
- ▶ LAC management and leadership workshop
- ▶ LAC workshop on voting and the local government elections
- ▶ Meeting to commemorate the Day of the African Child (organised by the Legal Education Department for its Special Days Programme)

### OPUWO ADVICE OFFICE

The LAC established this office in June 1997 to make legal services more accessible to the surrounding communities of the Kunene Region in the north of the country. The Legal Education Department organised a workshop to formally introduce the local community to the LAC and Opuwo Advice Office, and the community has relied heavily on the office ever since as a source of information on legal matters. Police officers and nurses particularly have been frequent visitors to the office. During its first months of operation the office handled numerous cases, many involving land disputes, and several cases were referred to the legal practitioners at head office.

The Opuwo Advice Office has played an important role in respect of the dispute between the government and the Ovahimba community over the proposed construction of the Epupa Hydro-Electricity Power Plant. Chief Hikumuine Kapika and his community now have easy access to the LAC lawyers acting on their behalf, as the Opuwo office is able to liaise between them and the lawyers at head office on an ongoing basis. The office organises community meetings and consultations concerning the plant as required.

Other cases of note handled by the Opuwo office during its first six months of operation include the following:

- ▶ The Ovazemba inauguration at Ruacana.
- ▶ A criminal case instituted by Mungereu Rutjindo and 10 others against a commercial lawyer.
- ▶ A case of unlawful arrest instituted by Mr Tjimala Tjihahura against the Minister of Home Affairs.
- ▶ The re-appeal of Inomanga Utjavari.
- ▶ The Omakange community dispute.

### STAFF

**Abel Augustinio** (co-ordinator/paralegal)



Office co-ordinator Abel Augustinio

## Advice Offices

### RUNDU ADVICE OFFICE

Labour disputes and insurance, pension and estate claims comprised the bulk of the Rundu Advice Office's case load during the period under review. Office staff attended a number of workshops and seminars which served to build the capacity of the office and enhance the staff's skills and efficiency. The office conducted several community workshops as part of the LAC's Legal Education Project, and it continued to make extensive use of NBC radio for educational purposes. As part of the LAC's Legal Environmental Awareness Programme (LEAP) the office conducted a study on woodcutting and selling in the Kavango Region.

#### TRAINING ACTIVITIES

The office conducted community workshops on the following subjects:

- ▶ Introduction to the LAC
- ▶ The Married Persons Equality Act
- ▶ Domestic violence
- ▶ Maintenance
- ▶ Rape
- ▶ Divorce
- ▶ The Labor Act
- ▶ The Social Security Act

The office presented NBC radio talk shows on the following subjects:

- ▶ The Married Persons Equality Act
- ▶ The Social Security Act
- ▶ Consumer law
- ▶ Women's rights in relation to domestic violence, rape and maintenance

Office staff attended the following workshops/meetings:

- ▶ LAC paralegal training workshop
- ▶ LAC divorce research workshop
- ▶ Meeting on the Legal Environmental Awareness Programme (LEAP)
- ▶ Traditional Authorities Bill presentation
- ▶ Meeting on the LAC Legal Education Project (LEP)
- ▶ LAC juvenile justice workshop
- ▶ LAC meeting on housing law
- ▶ LAC paralegal curriculum development workshop

#### STAFF

**Ambrosius Mukongwa** (co-ordinator/paralegal)  
**Maria Kavanze** (paralegal/gender officer)  
**Paulina Kalola** (secretary/receptionist)  
**Mathew Sinonge** (office assistant)



Staff of the Rundu Advice Office

#### CASE BREAKDOWN

Cases handled in Rundu during the period  
1 January to 31 December 1997:

Labour matters	24
Pension/insurance/estate claims	24
Maintenance claims	5
Human rights abuses	4
Consumer claims	2
Other cases	67
<b>Total</b>	<b>146</b>

## Advice Offices

### WALVIS BAY ADVICE OFFICE

The vast majority of cases handled by this office in 1997 were labour-related, which is not surprising considering that the office is situated in an industrial town with a fast-growing export processing zone. This office is renowned throughout the Erongo Region for its efficiency in dealing with and following up on its cases. Its widely reputed success rate in brokering settlements for clients and litigating in the District Labour Court continued to draw a large number of employees in search of advice and other forms of assistance. Its success rate in these respects during the period under review remained very high. It should be noted that a large number of employers have also begun to approach the office for assistance with legal matters.

Apart from dealing with its case load this office conducted a number of community education workshops in the region. The paralegal staff travelled to the region's various towns (Usakos, Okombahe, Uis, etc.) to conduct these workshops. As reported in the section on the Legal Education Department, this office did not conduct as many community workshops as it has done in previous years, the reasons for which have yet to be ascertained.

#### TRAINING ACTIVITIES

The office conducted community workshops on the following subjects:

- ▶ Gender and divorce
- ▶ The rights of domestic workers
- ▶ The rights of farm workers
- ▶ The Social Security Act

Office staff attended the following workshops/meetings:

- ▶ LAC paralegal training workshop
- ▶ Presentation of the Affirmative Action Bill
- ▶ Meeting of the Namibian Non-Governmental Organisations Forum (NANGOF)

#### STAFF

**Lukas Kapembe Johannes** (co-ordinator/paralegal)  
**Tanya Petersen** (paralegal/gender officer)  
**Mina Hangula** (secretary/receptionist)



Office co-ordinator Lukas Johannes

#### CASE BREAKDOWN

Cases handled in Walvis Bay during the period  
1 January to 31 December 1997:

Unfair dismissals and retrenchments	116
Salary disputes	20
Other labour matters	14
Estate claims	4
Social security claims	3
Pension/insurance claims	1
Maintenance claims	1
Rape	1
<b>Total</b>	<b>160</b>

## Land, Environment and Development (LEAD) Project

Having obtained further funding the LEAD project has consolidated its activities and its involvement in controversial issues pertaining to land, the environment and national development. The project has rendered legal services to numerous communities regarding land and environmental rights, as well as development options for communal land owners, such as the establishment of tourism enterprises. Other activities of the project include research, advocacy and lobbying for law reform in the relevant areas, and co-operation with other agencies working in these areas. In 1997 the project made significant input into the government's White Paper on the National Land Policy. It is expected that the project's comments on critically flawed areas of the policy will be incorporated into the final draft. The project also submitted comments on the draft Communal Land Bill.

### ACTIVITIES

#### Research, advocacy and lobbying for law reform

The LEAD project has been very active in research, advocacy and lobbying efforts for land reform. As a member of the NGO Working Committee on Land Reform, LEAD has participated in a number of discussions around land reform with local NGOs, the Namibian government, South African parliamentarians and South Africa's National Land Committee which co-ordinates the activities of NGOs in that country dealing with land issues. The project invited key staff from the Land, Housing and Development Unit of the Legal Resources Centre in South Africa to attend a seminar with Namibian NGOs, hosted by the LAC, to discuss joint programmes and strategies around land reform in our respective countries.

The project also submitted comments to the Ministry of Lands, Resettlement and Rehabilitation on the proposed Communal Land Bill being prepared for tabling in the National Assembly. These comments centred around the discrepancies between the National Land Policy and the Bill.

#### STAFF

**Andrew Corbett** (co-ordinator)  
**Michaela Figueira** (legal practitioner)

Project co-ordinator Andrew Corbett



#### Legal advice and representation

The project has advised numerous communities on land and environmental rights, as well as on development options such as the establishment of tourism and other enterprises on communal land. Several communities and organisations have been represented or assisted in other ways by the project, as follows:

- ▶ The Epupa community was represented in negotiations with government over the proposal to build a hydroelectric power scheme on the Kunene River.
- ▶ Members of the Epupa community were represented in applying for bail after it had been refused on discriminatory grounds.
- ▶ The communities of Bergsig, De Riet and Epupa in Kunene, Salambala, Muyoni and Kwandu in Caprivi and Nyae Nyae in former Eastern Bushmanland were represented in applying for conservancy and tourism rights in these areas.
- ▶ The Omkhôisen Youth Association was represented in a land dispute in Warmbad.
- ▶ Chief Willem Aib and his San community in Outjo were represented in claiming alternative land on which to resettle, together with concession rights to run tourism enterprises in the south-eastern part of the Etosha

## LEAD

National Park.

- ▶ Chief Aib and his community were represented in their defence against the charge of having obstructed the gates of the Etosha Park while protesting against the government's disregard for their land claims. (The charges have been withdrawn.)
- ▶ Chief Kipi George and the Kxoe community in western Caprivi were represented in challenging the government's attempt to close down their community-based camp site to make way for the extension of the adjoining prison facilities.
- ▶ The Namibian Community Based Tourism Association (NACOBTA) received general advice from the project.
- ▶ The project drafted deeds of trust and other agreements, and provided general advice and legal support to the community-based natural resource management activities linked to the Integrated Rural Development and Nature Conservation (IRDNC) project in both the Kunene and Caprivi Regions.
- ▶ The project has provided advice to the Working Group of Indigenous Minorities in Southern Africa (WIMSA) on issues relating to indigenous minorities in Namibia.

### Co-operation with other agencies

Andrew Corbett serves on the Life Steering Committee which provides policy guidance and financial support to the national Community-based Natural Resource Management Programme in Namibia.

LEAD is a key member of the NGO Working Committee on



Andrew Corbett with Ovahimba Chief Hikuminwe Kapika

Land Reform, and in this capacity the project co-ordinated and edited the NGO position paper on the proposed National Land Policy.

In May 1997 the LAC signed an agreement in terms of which it would employ Michaela Figueira and second her on a full-time basis to the Directorate of Environmental Affairs in the Ministry of Environment and Tourism to manage their programme for reviewing and redrafting all Namibia's environmental legislation. This association will benefit the LAC in that it will be able to take credit for some of the work done in this area, while the ministry will benefit from Michaela having ready access to the LAC's library, the LEAD project staff and other LAC resources.

## THE EPUPA DEBATE

Since November 1994 the LAC has been assisting the Ovahimba community of the Kunene Region to keep up a dialogue with the Namibian government concerning state plans to construct a hydroelectric power scheme at the Epupa Falls on the Kunene River which forms the border between Namibia and Angola. The scheme, which government claims is vital for meeting Namibia's future electricity needs, has obvious implications for the Himba living on either side of the falls. While government promotes the scheme in the interests of national development, the Himba argue that their human rights will be negated if "development" is allowed to "drown" their community.

The LAC became involved in the issue when it was approached by the Himba community – led by Chief Hikuminwe Kapika and Headman Katiira Muniombara – for assistance in registering objections to the scheme. Government accepted the Himba's right to legal representation from the LAC and the Epupa debate began.

A final decision on the project has still not been announced, but the debate so far has been an important test of democracy. Andrew Corbett, representing the Himba, said recently: "I think the Himba community learnt a good deal about negotiation. Initially there seemed to be a perception that if the chief said 'no', the problem would simply go away. On the government's side there has been some recognition that where development raises issues of human rights, it is not possible to forge ahead regardless." As for the LAC, its time-consuming and sometimes controversial involvement in the Epupa debate has demonstrated the variety of its interrelated approaches to the establishment, promotion and protection of a human rights culture in Namibia.



Chief Kapika at one of the sites proposed for the scheme

### Public awareness

There has been a high level of public interest in the Epupa debate, but many of the issues involved are very complex. A feasibility study conducted on the scheme was made available to the public, but it was a very technical document comprising numerous volumes of data. To inform the public more thoroughly on some of the key issues involved, the LAC wrote a series of newspaper articles for publication in *The Namibian* newspaper. These articles provided an overview of the most important aspects of the debate, emphasising the human rights issues involved. The articles presented information from the reports of sociologists and anthropologists concerning the potential impact of the scheme on the Himba who live in the vicinity. One article, for example, explained the legal and social significance of the Himba grave sites which would be submerged if a dam were to be built at Epupa. These articles were also accessible on several Internet sites. They proved to be very popular, and thus promoted a more informed public debate.

## **The Namibian Law Reports**

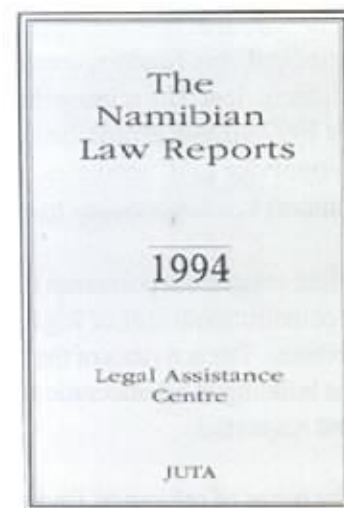
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The 1995 edition of the Namibian Law Reports is currently with Juta & Co for publishing, and the 1994 edition has just been released.

The final decision on whether the Law Reports will in future be published in two editions per year has not yet been taken, but it is envisaged that this will be the case. It is hoped that by the end of 1998 the first edition for 1996 will have been produced.

In 1997 Namibian Law Reports editor Lynita Conradie attended a course for editors of law reports, organised by Juta & Co for editors of reports published by the company. The purpose of the course was to equip law reporters with the skills required to produce law reports in their respective countries. This course was historically significant in being the first of its kind organised by Juta & Co.

Need a sentence giving updated info on what was said in last year's report, i.e. Fidelity Fund of the Law Society, and marketing of the reports.



## **Legal Environmental Awareness Programme (LEAP)**

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This project was launched in March 1996 and terminated at the end of June 1997. The aim of LEAP was to raise environmental awareness in Namibia's communities and to monitor the environmental impact of the country's legal and social norms. This was a joint project of the Desert Research Foundation of Namibia (DRFN) and the LAC and was co-ordinated by Dave Cole, a Windhoek-based environmental consultant.

The project made an impact in several regions of the country, where staff shared information with local communities about the environment and nature conservation generally, and about the environmental law currently applicable in Namibia.

The LAC decided to incorporate LEAP into the Land, Environment and Development (LEAD) Project to secure better co-operation.

**STAFF**  
**Dave Cole**  
(co-ordinator)

# SIDA Evaluation

The Swedish International Development Agency (SIDA), one of the LAC's principal core funders, conducted an evaluation of the LAC during the period under review. The relationship between SIDA and the LAC began in 1992, and by 1997 SIDA had provided a total amount of approximately ZEK 6,2 million in support for LAC activities. Before SIDA could commit to providing further support it was necessary to evaluate the results of its support to date.

The evaluation report notes that although Namibian society is now governed by a constitutional Bill of Rights, the need for an organisation such as the LAC remains. The activities of the LAC were found to be contributing greatly towards the building of a democratic society in which human rights are firmly entrenched and respected.

The terms of reference, findings and recommendations of this undertaking are summarised below.

## TERMS OF REFERENCE

The purpose of the evaluation was:

- ▶ to analyse the extent to which the LAC has fulfilled its objectives in each of its areas of activity, which analysis includes an assessment of the effects of SIDA's support; and
- ▶ to provide a basis for forthcoming discussions with the LAC on its future activities and possible areas of co-operation with SIDA.

## RECOMMENDATIONS

The 24 recommendations of the report are divided into the following five categories:

- ▶ Project orientation and content

- ▶ Project organisation and administration
- ▶ Funding
- ▶ Project management
- ▶ Capacity-building

## Project orientation and content

The LAC should continue with its work, for the next couple of years at least, in its three main areas of activity: (i) legal advice and representation; (ii) education and training; (iii) research and advocacy.

SIDA recommends that either prior to, or as part of, the envisaged implementation of improved planning tools, a facilitated process is undertaken by senior LAC staff and interested trustees which explores the causes and effects of an undervaluing of human rights in Namibian society.

The LAC should develop a phasing-out plan for any of its current activities that could be taken over by other agencies such as churches, labour unions or government.

The LAC should enter into contracts with the government in respect of their common goals and programmes. Such co-operation will strengthen the LAC's impact on the human rights situation in Namibia, and it will also assist the government in developing systems, working procedures and human resources to sustain human rights programmes.

It is strongly recommended that the LAC's involvement in the NGO sector be continued as a direct contribution to the achievement of the sector's broader aims. In the long term, it is held, there are definite threats facing the sector if the LAC goes too far ahead and procures too great a slice of the available NGO resources. Moreover it is in the LAC's interests to be a part of, and to be able to

## SIDA Evaluation

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fall back on the support of, a strong and vibrant NGO sector.

### Project organisation and administration

There is a need to further decentralise the organisation, or in other words to delegate more authority to the LAC's departments and advice offices. The departments and advice offices should preferably be run as "cost centres", meaning that they should have the power to operate freely within a framework set in consultation with the LAC Director, and they should be accountable for their respective operations.

The LAC should enhance its education, training, outreach and marketing activities, so as to make its services more accessible to disadvantaged groups.

The LAC should co-ordinate its educational activities with other organisations involved in education and training on human rights and the law, so as to maximise the utilisation of available resources.

It is recommended that the board of trustees become more active in steering the LAC towards its objectives, and that efforts be made by the board to secure the continuity and consistency of LAC activities. The Legal Assistance Trust is directly accountable to donor organisations for honouring agreements made between the LAC and such organisations.

### Funding

SIDA's support to the LAC should be continued for a minimum of three years, and should be given in the form of core funding.

SIDA should review its policy on funding for the LAC to ensure a higher degree of continuity and consistency in its support. In principle and on condition that the LAC meets SIDA's standard requirements for project support, a longer-

term commitment should be made by SIDA.

It is strongly recommended that SIDA and the LAC engage in open and creative discussions about options following the termination of core support from SIDA. In this regard SIDA should look at the option of supporting the LAC through an endowment fund similar to the fund set up for the LAC by the Ford Foundation in 1996. There must be clear restrictions on the utilisation of such a fund, so as to ensure a higher level of sustainability for the LAC once SIDA's core support has been phased out.

The LAC should call all its key donors together to share ideas on developing a sustainable strategy for continuing LAC operations. Such a strategy should ensure that the LAC is never pressurised to take on programmes that are beyond its organisational capacity to deliver.

### Project management

A stronger emphasis on determining project objectives, expected outputs and key performance indicators is necessary for the LAC as well as for SIDA if efficient resource allocation and utilisation is to be ensured.

The LAC's management should ensure that all departments and advice offices are managed by: (i) SMART objectives; (ii) a work plan to attain these objectives; and (iii) an activity-based budget.

All departmental and advice office progress reports to management should primarily reflect achievements in terms of set objectives and the use of management tools. Reports of this nature based on SIDA's recommendations should be produced by the second quarter of 1998.

## SIDA Evaluation

The LAC should submit semi-annual progress reports to SIDA which denote the level of achievement of set objectives, as well as expected outputs, problems encountered and follow-up budget requirements. This will facilitate SIDA's monitoring of project progress and assist LAC management to focus on its core mission.

The LAC should convene a meeting of all donors with offices in Windhoek to discuss and co-ordinate donor input and reporting requirements.

### Capacity-building

A training-cum-strategic-planning workshop should be conducted on the Logical Framework Approach (LFA) for LAC management and department and advice office co-ordinators. This should be done by the first quarter of 1998. The expected outputs of this exercise include:

- ▶ SMART objectives for the LAC as a whole, and for each department and each advice office;
- ▶ expected outputs for each unit;
- ▶ KPIs for each unit;
- ▶ a work plan for each unit; and
- ▶ an activity-based draft budget for each unit.

In planning and implementing capacity-building programmes the LAC should enhance its efforts to bridge existing gaps between personnel development, organisational needs, work systems and available equipment.

It is recommended that the LAC management consider reviewing and possibly revising its current fellowship programme for LLB students. It is probably more cost effective to provide support for upgrading the skills of Namibians who have already graduated with an LLB from UNAM or other institutions.

The LAC would benefit from setting SMART objectives for its capacity-building, programmes.

SIDA should determine what access it has to the information and experience accrued by other

organisations in the world dealing with democracy and human rights, which it could feed into the LAC's learning process.

### RESPONDENTS IN THE SIDA EVALUATION

To gain the information necessary to assess SIDA's support to the LAC, the evaluators studied key documents and conducted interviews with people directly involved with LAC activities. The respondents include the following:

- ▶ Legal Assistance Centre management and personnel
- ▶ Swedish Embassy (Windhoek)
- ▶ Government ministries and departments in Namibia
- ▶ LAC clients
- ▶ Namibian media
- ▶ Donor organisation representatives in Namibia
- ▶ NGO representatives in Namibia
- ▶ UNHCR representatives
- ▶ UNICEF representatives
- ▶ Personnel of the Faculty of Law, University of Namibia
- ▶ Trade union representatives

# Financial Reports

## THE LEGAL ASSISTANCE TRUST OF NAMIBIA (LAT) Consolidated Annual Financial Statements for the Year Ended 31 December 1997

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### ADMINISTRATION

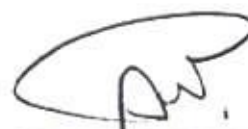
Trustees: D F Smuts (Chairperson)  
H Angula  
A W Corbett  
Hon W Emvula  
G Nakazibwe- Sekandi  
Dr Tueumuna

Director: A W Corbett

Auditors: Stier Henke Associates

### STATEMENT BY THE TRUSTEES

The consolidated annual financial statements set out [hereafter] have been approved by the Board of Trustees and are signed on their behalf by:



A W CORBETT

WINDHOEK  
13 February 1998



D F SMUTS

## Financial Reports

### REPORT OF THE INDEPENDENT AUDITORS

To the trustees of the Legal Assistance Trust of Namibia

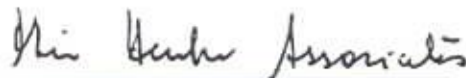
We have audited the consolidated annual financial statements set out [hereafter]. These financial statements are the responsibility of the Board of Trustees while our responsibility is to report thereon.

We conducted our audit in accordance with generally accepted auditing standards, which require that we plan and carry out the audit to obtain reasonable assurance that fair presentation is achieved in the financial statements in all material respects. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting policies used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We consider that our audit procedures were appropriate in the circumstances to express the opinion presented below.

In common with similar organisations, it is not feasible for the trust to institute accounting controls over cash collections prior to the initial entry of the collections in the accounting records. Accordingly, it was impracticable to extend our examination beyond the receipts actually recorded.

Except for the effects of any adjustments which might have been determined to be necessary had it been possible for us to examine the issues referred to in the preceding paragraph, in our opinion the consolidated annual financial statements referred to above fairly present the financial position of the trust at 31 December 1997 and the results of its operations and cash flow information for the year then ended in conformity with generally accepted accounting practice.

The information on pages 40 to 47 is supplementary to and does not form part of the financial statements to which this report relates.



**STIER HENK ASSOCIATES**  
Chartered Accountants

WINDHOEK  
13 February 1997

### CONSOLIDATED BALANCE SHEET AS AT 31 DECEMBER 1997

	Note	1997 N\$	1996 N\$
<b>CAPITAL EMPLOYED</b>			
ACCUMULATED FUNDS	2	<u>3 841 108</u>	<u>4 365 798</u>
<b>EMPLOYMENT OF FUNDS</b>			
FIXED ASSETS	3	<u>2 178 149</u>	<u>1 784 144</u>
<b>CURRENT ASSETS</b>			
Amount owing by the HRT		591 687	516 730
Donations receivable	4	-	95 454
Accounts receivable		140 189	97 554
Bank and cash on hand		<u>1 649 901</u>	<u>2 250 526</u>
		<u>2 381 777</u>	<u>2 960 264</u>
<b>CURRENT LIABILITIES</b>			
Donations received in advance	5	532 483	181 564
Accounts payable		<u>186 335</u>	<u>197 046</u>
		<u>718 818</u>	<u>378 610</u>
NET CURRENT ASSETS		<u>1 662 959</u>	<u>2 581 654</u>
		<u>3 841 108</u>	<u>4 365 798</u>

### CONSOLIDATED INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	Note	1997 N\$	1996 N\$
<b>INCOME</b>			
Windhoek Office		2 095 440	2 793 586
Walvis Bay Advice Office		2 078	1 677
Keetmanshoop Advice Office		167 025	332 518
Katutura Advice Office		1 200	50 430
Gobabis Advice Office		482	310 824
Scholarship fund		272 950	270 085
Criminal Reform Conference		-	250
	6	<u>2 539 175</u>	<u>3 759 370</u>

## Financial Reports

### EXPENDITURE

Windhoek Office	1 741 238	1 643 584
Walvis Bay Advice Office	238 606	227 660
Keetmanshoop Advice office	223 837	211 713
Katutura Advice Office	198 326	168 055
Gobabis Advice Office	214 919	177 953
Scholarship Fund	123 508	230 501
Criminal Reform Conference	-	16
	<u>2 740 434</u>	<u>2 659 482</u>

SURPLUS/(DEFICIT) FOR THE YEAR 7 (201 259) 1 099 888

PROJECT DEFICIT WRITTEN OFF 10 352 772 556 733

ACCUMULATED FUNDS AT THE BEGINNING OF THE YEAR 3 481 555 2 938 398

ACCUMULATED FUNDS AT THE END OF THE YEAR 2 927 524 3 481 555

ACCUMULATED SURPLUS - PROJECTS 8 913 584 884 243

CONSOLIDATED ACCUMULATED SURPLUS AT THE END OF THE YEAR 3 841 108 4 365 798

### CONSOLIDATED CASH FLOW STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
(Deficit)/surplus for the year before interest	(633 683)	443 659
Adjustment for: Depreciation	240 673	205 877
Profit on disposal of fixed assets	(299)	(29 198)
Operating cash flow before working capital changes	(393 309)	620 338
Increase in amount owing by HRTof Namibia	(74 957)	(13 192)
Decrease in donations receivable	95 454	276 966

Increase in accounts receivable	(42 635)	(21 404)
Increase/(decrease) in donations received in advance	350 919	(930 533)
(Decrease)/increase in accounts payable	(10 711)	121 126
Cash (utilised)/generated from operations	(75 239)	53 301
Interest received	84 518	101 571
Interest paid	(4 866)	(2 075)
Net cash inflow from operating activities	4 413	152 797
<b>CASH UTILISED IN INVESTING ACTIVITIES</b>		
Acquisition of fixed assets	(634 679)	(569 150)
Proceeds on disposal of fixed assets	300	29 198
Net cash outflow from investing activities	(634 379)	(539 952)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
Increase in projects accumulated funds	29 341	462 055
Net cash inflow from financing activities	29 341	462 055
Net increase/(decrease) in cash and cash equivalents	(600 625)	74 900
Cash and cash equivalents at the beginning of the year	2 250 526	2 175 626
Cash and cash equivalents at the end of the year	1 649 901	2 250 526

### NOTES TO THE LEGAL ASSISTANCE TRUST OF NAMIBIA CONSOLIDATED ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 1997

#### 1. ACCOUNTING POLICIES

The annual financial statements are prepared on the historical cost basis. The following are the principal accounting policies adopted by the trust, which are consistent with those applied in prior years:

## Financial Reports

### Fixed assets and depreciation

With the exception of land and buildings, which are not depreciated, depreciation is calculated to write off the cost of fixed assets on the straight line basis over their expected useful lives. The depreciation rates are:

Motor vehicles	25%
Furniture and fittings	20%
Office equipment	20%
Computer equipment	20%
Library	10%

### Projects

All project balance sheet items (inclusive of fixed assets / current assets / liabilities) have been included in the consolidated balance sheet and their surpluses / deficits as a supplementary item in the income statement.

In respect of the notes to the annual financial statements, notes numbered 6, 7 and 9 are exclusive of project activities.

### Donations

Amounts received locally and from abroad are accounted for on a cash basis except where there is a positive commitment to fund a specific project. Such donations may be accrued to deferred.

### Investment income

Interest on investments is accounted for on an accrual basis.

### 2. ACCUMULATED FUNDS

	1996	1997
Windhoek Office	2 650 828	3 164 618
Walvis Bay Advice Office	-	-
Keetmanshoop Advice office	63 993	120 805
Katutura Advice Office	-	-
Gobabis Advice office	-	132 871
Scholarship Fund	212 703	63 261
LAC - Projects	913 584	884 243
	<u>3 841 108</u>	<u>4 365 798</u>

### 3. FIXED ASSETS

	Cost	Accumulated depreciation	Net book value	
	NS	NS	NS	NS
Land and buildings	1 519 497	-	1 519 497	1 053 371
Motor vehicles	489 855	246 721	243 134	290 209
Furniture and fittings	165 201	122 337	42 864	55 627
Office equipment	361 798	240 121	121 677	151 707
Computer equipment	372 625	223 457	149 168	146 603
Library	234 270	132 461	101 809	86 627
	<u>3 143 246</u>	<u>965 097</u>	<u>2 178 149</u>	<u>1 784 144</u>

Land and buildings comprise erf no 74, situated in the municipal erven of Windhoek No 4 Körner Street.

Cost 1993	709 621	709 621
Improvements at cost		
- 1993	167 736	167 736
- 1994	5 791	5 791
- 1995	157 916	157 916
- 1996	12 307	12 307
- 1997	466 126	-
	<u>1 519 497</u>	<u>1 053 371</u>

### 4. DONATIONS RECEIVABLE

US Aid	-	49 225
UNICEF	-	17 056
NANGOF	-	15 000
UNDP	-	14 173
		<u>95 454</u>

Donations receivable are accrued at the relevant exchange rate as at the year end date.

## Financial Reports

### 5. DONATIONS RECEIVED IN ADVANCE

Church of Sweden	369 923	-
Christian Aid London	162 560	-
Ford Foundation – Scholarship Fund	-	181 564
	<u>532 483</u>	<u>181 564</u>

### 6. INCOME

Embassy of Sweden	767 470	1 052 239
IBIS (Wus Denmark)	350 000	350 000
Church of Sweden Aid	344 691	360 267
Norwegian Church Aid	198 185	338 626
Ford Foundation – Scholarship Fund	181 564	181 270
Namibia Association of Norway	165 800	330 700
Christian Aid London	164 177	111 774
UNICEF	111 035	72 196
NORAD – Scholarship Fund	63 500	67 500
National Democratic Institute	25 000	10 000
UNDP	8 826	33 315
CDRA	990	-
OXFAM, UK and Ireland	-	306 000
Danchurchaid	-	233 327
NAMDEB	-	50 000
US Aid	-	49 225
The Joseph Rowntree Charitable Trust	-	29 509
Miserior	-	19 641
NANGOF	-	15 000
C I S P	-	7 000
	<u>2 381 238</u>	<u>3 617 589</u>
	157 937	141 781
Other income	<u>2 539 175</u>	<u>3 759 370</u>

### 7. SURPLUS FOR THE YEAR

Is stated after charging/(crediting):

Auditors remuneration	31 500	22 000
– for audit fees: current year	<u>10 992</u>	<u>9 189</u>
– for audit fees: prior year underprovision	<u>42 492</u>	<u>31 198</u>

Depreciation	<u>240 673</u>	<u>205 877</u>
Interest received	(84 518)	(101 571)
Interest paid	<u>4 866</u>	<u>2 075</u>
	<u>(79 652)</u>	<u>(99 496)</u>
Profit on disposal of fixed assets	<u>(299)</u>	<u>(29 198)</u>

### 8. ACCUMULATED SURPLUS/(DEFICIT) PROJECTS

Lead Project	274 800	49 136
Human Rights and Constitutional Unit	52 971	-
Gender Research – Nord/Süd	373 587	331 974
Juvenile Justice – Nord/Süd	212 226	477 954
Other	-	25 179
	<u>913 584</u>	<u>884 243</u>

The Legal Assistance Trust (via The Legal Assistance Centre in Windhoek) manages the project and controls the disbursements. All surpluses may be subject to refund to donor subject to confirmation by management/donors in subsequent year.

### 9. INCOME - EARNING CAPITAL RESERVE FUND

The Ford Foundation has approved a grant of US\$ 1 000 000 to the Legal Assistance Trust of Namibia. The principal of this grant may not be expended for a year of three years. The LAT may expend for its core operating expenses so much of the net appreciation, realised or unrealised, of the fair market value of the assets of the Fund over the historic dollar value of the Fund. The Southern African Legal Services and Legal Education project, Inc ("SALSLEP") is at the date of this report wholly responsible for the administration of this fund. Interest was earned of US\$ 76 053 (1996: US\$ 61 199). The balance of the capital fund was US\$ 1 137 252 as at 31 December 1997 (1996: US\$ 1 061 199 as at 31 December 1996).

### 10. PROJECTS FUNDED BY LAC WINDHOEK

Law Reports	221 368	310 935
Farmworkers Project	131 404	276 041
Other	-	(30 243)
	<u>352 772</u>	<u>556 733</u>

## Financial Reports

### HEAD OFFICE WINDHOEK – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>DONATIONS RECEIVED</b>		
Embassy of Sweden	767 470	1 052 239
I B I S (Wus Denmark)	350 000	350 000
Church of Sweden Aid	344 691	360 267
Norwegian Church Aid	198 185	338 626
Christian Aid London	164 177	111 774
UNICEF	111 035	72 196
National Democratic Institute	25 000	10 000
UNDP	8 826	33 315
Danchurchaid	-	233 327
US Aid	-	49 225
The Joseph Rowntree Charitable Trust	-	29 509
Miserior	-	19 641
NANGOF	-	15 000
C I S P	-	7 000
	<u>1 969 384</u>	<u>2 682 119</u>
<b>OTHER INCOME</b>		
Profit on sale of fixed asset	299	29 198
Interest received	48 724	68 731
Sundry income	<u>77 033</u>	<u>13 538</u>
	<u>126 056</u>	<u>111 467</u>
<b>TOTAL INCOME BROUGHT FORWARD</b>	<b>2 095 440</b>	<b>2 793 586</b>
<b>Less: EXPENDITURE</b>	<b><u>1 741 238</u></b>	<b><u>1 643 584</u></b>
<b>SURPLUS FOR THE YEAR</b>	<b>354 202</b>	<b>1 150 002</b>
<b>SURPLUS AT THE BEGINNING OF THE YEAR</b>	<b>3 164 618</b>	<b>2 882 041</b>

Walvis Bay Advice Office deficit	(236 528)	(145 109)
Katutura Advice Office deficit	(197 126)	(168 681)
Gobabis Advice Office deficit	(81 566)	-
Criminal Reform Conference surplus	-	3 098
Project deficit	<u>(352 772)</u>	<u>(556 733)</u>
<b>SURPLUS AT THE END OF THE YEAR</b>	<b><u>2 650 828</u></b>	<b><u>3 164 618</u></b>

### HEAD OFFICE WINDHOEK – SCHEDULE OF EXPENDITURE FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
Accounting fees	-	1 000
Auditors' remuneration	28 224	20 198
Bank charges	13 828	11 878
Consultancy fees	90	333
Depreciation	160 671	130 102
Donations	3 000	2 000
Educational material	6 680	1 796
Entertainment and refreshments	9 326	649
Fund raising expenses – overseas	-	55 602
Human Rights Day	6 595	3 923
Insurance and licences	66 582	39 612
Interest paid	3 413	1 149
Legal fees	38 757	16 840
Maintenance		
-other assets	33 813	36 393
-vehicles	21 827	24 234
-yard	2 430	4 238
Money stolen	-	13 366
Municipal expenses	29 583	25 845
Office expenses	11 593	8 735
Petrol	13 423	13 715
Recruiting of professional and administrative staff	7 000	7 889
Salaries and staff benefits	1 008 116	990 184

## Financial Reports

Security costs	1 942	-
Seminars and workshops	29 767	7 816
Staff training (including the training of paralegals)	12 995	31 805
Stationery and printing	108 910	62 156
Subscriptions to legal publications	10 212	11 711
Travelling and accommodation	64 437	18 588
Telephone, telefax and postage	48 020	57 602
	<u>1 741 238</u>	<u>1 599 359</u>
Expenses – Violence against Women project	-	44 225
	<u>1 741 238</u>	<u>1 643 584</u>

### WALVIS BAY ADVICE OFFICE – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 NS	1996 NS
<b>INCOME</b>		
Interest received	1 952	1 677
Sundry income	<u>126</u>	<u>-</u>
	<u>2 078</u>	<u>1 677</u>
<b>EXPENDITURE</b>		
Auditors' remuneration	1 800	1 500
Bank charges	2 514	2 297
Depreciation	17 736	17 771
Donations	30	20
Insurance and licences	7 613	6 163
Interest paid	561	364
Legal fees	1 755	2 020
Maintenance		
– equipment	4 030	1 931
– motor vehicle	12 002	5 871
Office expenses	1 771	1 196
Petrol	8 638	9 045
Recruiting expenses	-	732

Rent	26 874	24 706
Security costs	1 854	-
Seminars and workshops	3 199	6 218
Staff remuneration	123 898	109 374
Staff training (including the training of paralegals)	1 080	15 405
Stationery and printing	3 701	2 990
Telephone, telefax and postage	14 009	12 362
Travelling and accommodation	3 945	6 063
Water and electricity	<u>1 596</u>	<u>1 632</u>
	<u>238 606</u>	<u>227 660</u>
DEFICIT FOR THE YEAR BROUGHT FORWARD	236 528	225 983
SURPLUS AT THE BEGINNING OF THE YEAR	-	80 874
DEFICIT AT THE END OF THE YEAR	236 528	145 109
TRANSFER DEFICIT TO L A C WINDHOEK	<u>236 528</u>	<u>145 109</u>
	<u>-</u>	<u>-</u>

### KEETMANSHOOP ADVICE OFFICE – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 NS	1996 NS
<b>INCOME</b>		
Donations received		
– Namibian Association of Norway	165 800	330 700
Interest received	<u>1 225</u>	<u>1 818</u>
	<u>167 025</u>	<u>332 518</u>
<b>EXPENDITURE</b>		
Auditors' remuneration	2 608	1 500
Bank charges	2 123	1 680
Depreciation	25 559	26 157
Insurance and licences	5 991	10 808

## Financial Reports

Interest paid	177	347
Legal fees	48	20
Office expenses	872	426
Petrol	9 111	8 675
Rent	6 500	6 500
Repairs and maintenance	3 789	6 914
Seminars	2 599	2 332
Staff remuneration	139 592	118 370
Staff training (including the training of paralegals)	1 379	8 531
Stationery and printing	1 733	3 242
Telephone, telefax and postage	<u>12 562</u>	<u>10 998</u>
Travelling and accommodation	<u>9 194</u>	<u>5 213</u>
	<u>223 837</u>	<u>211 713</u>
 (DEFICIT)/SURPLUS FOR THE YEAR	 (56 812)	 120 805
 SURPLUS AT THE BEGINNING OF THE YEAR	 <u>120 805</u>	 -
 SURPLUS AT THE END OF THE YEAR	 <u>63 993</u>	 <u>120 805</u>

### KATUTURA ADVICE OFFICE – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>INCOME</b>		
Donations received		
– CDRA	990	-
– NAMDEB	-	50 000
Interest received	<u>210</u>	<u>430</u>
	<u>1 200</u>	<u>50 430</u>
 <b>EXPENDITURE</b>		
Auditors' remuneration	1 800	1 500
Bank charges	1 687	1 176
Depreciation	8 387	7 501

Insurance	1 784	242
Interest paid	121	47
Legal fees	154	158
Maintenance		
– general	5 358	2 261
– motor vehicle	6 990	9 436
Office expenses	1 219	1 820
Petrol	5 955	2 944
Recruiting expenses	-	3 233
Rent	14 717	6 440
Seminars and workshops	420	39
Staff remuneration	122 035	109 726
Staff training (including the training of paralegals)	1 620	4 046
Stationery and printing	5 745	5 249
Telephone, telefax and postage	18 942	8 617
Travelling and accommodation	193	2 071
Water and electricity	<u>1 199</u>	<u>1 549</u>
	<u>198 326</u>	<u>168 055</u>
 DEFICIT AT THE END OF THE YEAR	 197 126	 117 625
 DEFICIT AT THE BEGINNING OF THE YEAR	 -	 <u>51 056</u>
 DEFICIT FOR THE YEAR	 197 126	 168 681
 TRANSFER DEFICIT TO L A C WINDHOEK	 <u>197 126</u>	 <u>168 681</u>
	<u>-----</u>	<u>-----</u>

## Financial Reports

### GOBABIS ADVICE OFFICE – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 NS	1996 NS
<b>INCOME</b>		
Donations received	-	306 000
– Oxfam UK and Ireland	482	4 824
Interest received	<u>482</u>	<u>310 824</u>
<b>EXPENDITURE</b>		
Auditors' remuneration	1 800	1 500
Bank charges	1 500	1 029
Depreciation	23 114	22 159
Insurance and licences	8 820	8 496
Interest paid	585	76
Launching of new office	-	2 360
Maintenance		
– equipment	4 359	597
– motor vehicles	10 136	10 745
Office expenses	668	1 277
Petrol	7 743	7 319
Rent	11 220	11 300
Recruiting expenses	-	1 028
Seminars and workshops	1 793	560
Staff remuneration	122 966	94 282
Staff training (including the training of paralegals)	612	2 425
Stationery and printing	2 752	3 699
Telephone, telefax and postage	14 540	7 206
Travelling and accommodation	1 616	1 510
Water and electricity	685	385
	<u>214 919</u>	<u>177 953</u>
(DEFICIT)/SURPLUS FOR THE YEAR	(214 437)	132 871
SURPLUS AT THE BEGINNING OF THE YEAR	132 871	-

(DEFICIT)/SURPLUS AT THE END OF THE YEAR	(81 566)	132 871
TRANSFER DEFICIT TO L A C WINDHOEK	81 566	-
SURPLUS AT THE END OF THE YEAR	<u>-</u>	<u>132 871</u>

### LAND, ENVIRONMENT AND DEVELOPMENT PROJECT – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 NS	1996 NS
<b>INCOME</b>		
Donations received		
– Ford Foundation	227 910	-
– H I V O S	225 731	205 500
– Embassy of Netherlands	23 530	-
– Community Aid Abroad	-	21 984
Interest received	<u>4 039</u>	<u>489</u>
	<u>481 210</u>	<u>227 973</u>
<b>EXPENDITURE</b>		
Auditors' remuneration	2 150	1 000
Bank charges	1 146	152
Communications	2 460	24
Depreciation	31 034	-
Educational materials	883	72
Interest paid	-	58
Research		
– publications	1 512	-
– travel	6 677	4 560
Resource materials	3 327	160
Staff remuneration	208 295	159 660
Training	2 933	3 943
Travelling and accommodation	13 175	-
Workshops	<u>7 782</u>	<u>9 208</u>
	<u>281 374</u>	<u>178 837</u>

## Financial Reports

SURPLUS FOR THE YEAR	199 836	49 136
SURPLUS AT THE BEGINNING OF THE YEAR	<u>49 136</u>	-
SURPLUS AT THE END OF THE YEAR	<u>248 972</u>	<u>49 136</u>

### SCHOLARSHIP FUND – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>INCOME</b>		
Donations received		
– Ford Foundation	181 564	181 270
– Norad	63 500	67 500
Interest received	<u>27 886</u>	<u>21 315</u>
	<u>272 950</u>	<u>270 085</u>
<b>EXPENDITURE</b>		
Auditors' remuneration	3 060	1 500
Interest paid	9	34
Bank charges	408	1 019
Bursaries	<u>120 031</u>	<u>227 948</u>
	<u>123 508</u>	<u>230 501</u>
SURPLUS FOR THE YEAR	149 442	39 584
SURPLUS AT THE BEGINNING OF THE YEAR	<u>63 261</u>	<u>23 677</u>
SURPLUS AT THE END OF THE YEAR	<u>212 703</u>	<u>63 261</u>

### JUVENILE JUSTICE NORD/SÜD – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>INCOME</b>		
Donations received		
– Nord/Süd	199 666	690 000
Interest received	15 752	4 707
Sundry income	<u>160</u>	<u>80</u>
	<u>215 578</u>	<u>694 787</u>
<b>EXPENDITURE</b>		
Arrest and awaiting trial	16 299	3 208
Diversion and sentencing	17 695	38 152
Project management	84 357	70 675
Salaries and staff benefits	347 376	91 183
Screening at court	11 601	4 896
Training and advocacy	<u>3 978</u>	<u>8 719</u>
	<u>481 306</u>	<u>216 833</u>
(DEFICIT)/SURPLUS FOR THE YEAR	(265 728)	477 954
SURPLUS AT THE BEGINNING OF THE YEAR	<u>477 954</u>	-
SURPLUS AT THE END OF THE YEAR	<u>212 226</u>	<u>477 954</u>

## Financial Reports

### GENDER PROGRAMME NORD/SÜD – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>INCOME</b>		
Donations received		
– Nord/Süd	1 086 971	900 000
Interest received	<u>22 698</u>	<u>78 213</u>
	<u>1 109 669</u>	<u>978 213</u>
<b>EXPENDITURE</b>		
Administration cost	24 672	8 965
Computer costs	1 171	-
Consultants	25 138	-
Data analysis	7 000	-
Depreciation	2 419	-
Domestic workers' study	-	35 702
Family/rape courts	-	299
Field research	27 843	499
Follow-up work	2 820	7 184
Gender training – community	34 266	4 515
General expenses	-	2 774
Human rights day	-	563
L E P – volunteers' training	65 603	46 709
Paralegal training	7 903	4 900
Research materials	94 003	11 500
Salaries and staff benefits	756 550	720 910
Staff development and training	<u>14 879</u>	<u>-</u>
Workshops	<u>3 789</u>	<u>-</u>
	<u>1 068 056</u>	<u>844 520</u>
<b>SURPLUS FOR THE YEAR</b>	<b>41 613</b>	<b>133 693</b>
<b>SURPLUS AT THE BEGINNING OF THE YEAR</b>	<u><b>331 974</b></u>	<u><b>198 281</b></u>
<b>SURPLUS AT THE END OF THE YEAR</b>	<u><b>373 587</b></u>	<u><b>331 974</b></u>

### HUMAN RIGHTS AND CONSTITUTIONAL UNIT – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>INCOME</b>		
Donations received		
– European Union	<u>166 485</u>	<u>-</u>
<b>EXPENDITURE</b>		
Auditors' remuneration	350	-
Reports	3 296	-
Staff remuneration	108 457	-
Text books	<u>1 411</u>	<u>-</u>
	<u>113 514</u>	<u>-</u>
<b>SURPLUS FOR THE YEAR</b>	<u><b>52 971</b></u>	<u><b>-</b></u>

### LAW REPORTS – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>INCOME</b>		
	-	-
<b>EXPENDITURE</b>		
Auditors' remuneration	350	-
Depreciation	-	2 187
Editor's salary and benefits	214 162	229 212
Stationery	84	-
Subscriptions	<u>6 772</u>	<u>4 956</u>
	<u>221 368</u>	<u>236 355</u>
<b>DEFICIT FOR THE YEAR</b>	<b>221 368</b>	<b>236 355</b>
<b>DEFICIT AT THE BEGINNING OF THE YEAR</b>	<b>-</b>	<b>74 580</b>
<b>TRANSFER DEFICIT TO L A C WINDHOEK</b>	<u><b>221 368</b></u>	<u><b>310 935</b></u>
	<u><b>-</b></u>	<u><b>-</b></u>

## Financial Reports

### FARMWORKERS' PROJECT – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
INCOME	-	-
EXPENDITURE		
Auditors' remuneration	350	250
Maintenance	-	250
- computer equipment	-	112
Postage	-	1498
Publications	18 943	137 444
Staff remuneration	102 014	2 251
Stationery	-	-
Subscriptions	2 292	-
Workshops	7 805	-
	<u>131 404</u>	<u>141 805</u>
DEFICIT FOR THE YEAR	131 404	141 805
DEFICIT AT THE BEGINNING OF THE YEAR	-	134 236
TRANSFER DEFICIT TO L A C WINDHOEK	<u>131 404</u>	<u>276 041</u>
	<u>-</u>	<u>-</u>

### FARMWORKERS' SURVEY – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
INCOME		
Donations received	-	68 129

### EXPENDITURE

Auditors' remuneration	-	250
Launching of books	-	2 274
Report printing	-	8 358
Social science division - UNAM	-	74 223
	<u>-</u>	<u>85 105</u>
DEFICIT FOR THE YEAR	-	16 976
SURPLUS AT THE BEGINNING OF THE YEAR	-	17 016
TRANSFER SURPLUS TO L A C WINDHOEK	-	(40)
	<u>-</u>	<u>-</u>

### LEGISLATION PROJECT – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
INCOME		
Donations received	-	156 484
- National Democratic Institute for International Affairs	-	2 037
Interest received	-	158 521
	<u>-</u>	<u>317 042</u>
EXPENDITURE		
Auditors' remuneration	-	1 950
Bank charges	-	159
Contractual services	-	39 618
Staff remuneration	-	123 427
Telephone	-	300
	<u>-</u>	<u>165 454</u>
DEFICIT FOR THE YEAR	-	6 933

## Financial Reports

TRANSFER DEFICIT TO L A C WINDHOEK	---	6 933
	---	---
CRIMINAL REFORM CONFERENCE – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997		
	1997 N\$	1996 N\$
INCOME		
Interest received	---	250
EXPENDITURE		
Postage	---	16
SURPLUS FOR THE YEAR	-	234
SURPLUS AT THE BEGINNING OF THE YEAR	-	2 864
TRANSFER SURPLUS TO L A C WINDHOEK	---	(3 098)
	---	---

## THE HUMAN RIGHTS TRUST OF NAMIBIA Consolidated Annual Financial Statements for the Year Ended 31 December 1997

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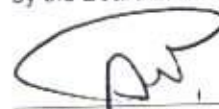
Detailed income statements (for information purposes only):	
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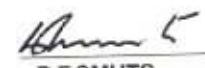
### ADMINISTRATION

Trustees:	A W Corbett R T Rev K Dumeni R T Rev B Haushiku R T Rev J H Kauluma D F Smuts
Director:	A W Corbett
Auditors:	Stier Henke Associates

### STATEMENT BY THE TRUSTEES

The consolidated annual financial statements set out [hereafter] have been approved by the Board of Trustees and are signed on their behalf by:

  
A W CORBETT

  
D F SMUTS

WINDHOEK  
13 February 1998

## Financial Reports

### REPORT OF THE INDEPENDENT AUDITORS

#### To the trustees of the Human Rights Trust of Namibia

We have audited the consolidated annual financial statements set out on pages 3 to 8. These financial statements are the responsibility of the Board of Trustees of the Human Rights Trust while our responsibility is to report thereon.

We conducted our audit in accordance with generally accepted auditing standards, which require that we plan and carry out the audit to obtain reasonable assurance that fair presentation is achieved in the financial statements in all material respects. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting policies used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We consider that our audit procedures were appropriate in the circumstances to express the opinion presented below.

In common with similar organisations, it is not feasible for the trust to institute accounting controls over cash collections prior to the initial entry of the collections in the accounting records. Accordingly, it was impracticable for us to extend our examination beyond the receipts actually recorded.

Except for the effects of any adjustments which might have been determined to be necessary had it been possible for us to examine the cash collections referred to in the preceding paragraph, in our opinion the financial statements referred to above fairly present the financial position of the trust at 31 December 1997 and the results of its operations and cash flow information for the year then ended in accordance with generally accepted accounting practice.

The information [following the Notes on pages 49 to 50] is supplementary to and does not form part of the financial statements to which this report relates.

*Stier Henke Associates*

**STIER HENKE ASSOCIATES**  
Chartered Accountants

WINDHOEK  
13 February 1998

### CONSOLIDATED BALANCE SHEET AT 31 DECEMBER 1997

	Note	1997 N\$	1996 N\$
<b>CAPITAL EMPLOYED</b>	2	<u>51 674</u>	<u>133 349</u>
<b>EMPLOYMENT OF CAPITAL</b>			
<b>FIXED ASSETS</b>	3	<u>564 073</u>	<u>534 388</u>
<b>CURRENT ASSETS</b>			
Accounts receivable		24 703	18 800
Bank balances and cash		<u>213 680</u>	<u>136 299</u>
		<u>238 383</u>	<u>155 099</u>
<b>CURRENT LIABILITIES</b>			
Amount owing to The Legal Assistance Trust of Namibia		591 687	516 730
Donations received in advance		118 760	-
Accounts payable		<u>40 335</u>	<u>39 408</u>
		<u>750 782</u>	<u>556 138</u>
<b>NET CURRENT LIABILITIES</b>		<u>512 399</u>	<u>401 039</u>
		<u>51 674</u>	<u>133 349</u>

### CONSOLIDATED INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	Note	1997 N\$	1996 N\$
<b>INCOME</b>			
Human Rights Centre – Rundu		325 192	97 051
Human Rights Centre – Ongwediwa		<u>281 957</u>	<u>585 331</u>
	4	<u>607 149</u>	<u>682 382</u>

## Financial Reports

### EXPENDITURE

Human Rights Centre - Rundu	260 926	233 533
Human Rights Centre - Ongwediwa	<u>427 898</u>	<u>475 385</u>
	<u>688 824</u>	<u>708 918</u>

DEFICIT FOR THE YEAR 5 81 675 26 536

SURPLUS AT THE BEGINNING OF THE YEAR 133 349 159 885

SURPLUS AT THE END OF THE YEAR 51 674 133 349

### CONSOLIDATED CASH FLOW STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Deficit for the year before interest	(82 032)	(67 488)
Adjustment for: Depreciation	77 298	51 217
Profit on disposal of fixed assets	<u>(29 999)</u>	<u>-</u>
Operating cash flow before working capital changes	(34 733)	(16 271)
Increase in accounts receivable	(5 903)	1 007
Increase in amount owing to LAT of Namibia	74 957	423 791
Increase in donations received in advance	118 760	-
Increase in accounts payable	<u>927</u>	<u>14 807</u>
Cash generated from operations	154 008	423 334
Interest received	3 782	42 988
Interest paid	<u>(3 425)</u>	<u>(2 036)</u>
Net cash inflow/(outflow) from operating activities	<u>154 365</u>	<u>464 286</u>

### CASH UTILISED IN INVESTING ACTIVITIES

Acquisition of fixed assets	(106 984)	(108 642)
Proceeds on disposal of fixed assets	<u>30 000</u>	<u>-</u>

Net cash outflow from investing activities (76 984) (108 642)

NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS 77 381 355 644

Cash and cash equivalents at the beginning of the year 136 299 491 943

Cash and cash equivalents at the end of the year 213 680 136 299

### NOTES TO THE HUMAN RIGHTS TRUST CONSOLIDATED ANNUAL FINANCIAL STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

#### 1. ACCOUNTING POLICIES

The consolidated annual financial statements are prepared on the historical cost basis. The following are the principal accounting policies followed by the trust, which are consistent with those applied in prior years:

#### Depreciation of fixed assets

With the exception of leasehold improvements, which are not depreciated, depreciation is calculated to write off the cost of fixed assets on the straight line basis over their expected useful lives. The depreciation rates are:

Motor vehicles	25% per annum
Office equipment	20% per annum
Computer equipment	20% per annum
Furniture and fittings	20% per annum

#### Donations

Amounts received locally and from abroad are accounted for on a cash basis, except where there is positive commitment to fund a specific projects. Such donations may be accrued or deferred.

## Financial Reports

### Investment income

Interest on investments is accounted for on an accrual basis.

2.	ACCUMULATED FUNDS		1997		1996
	Human Rights Centre – Rundu		46 904		(17 362)
	Human Rights Centre – Ongwediwa		<u>4 770</u>		<u>150 711</u>
			<u>51 674</u>		<u>133 349</u>
3.	FIXED ASSETS				
		<i>Cost</i>	<i>Accumulated depreciation</i>	<i>Net book value</i>	
		<i>N\$</i>	<i>N\$</i>	<i>N\$</i>	<i>N\$</i>
	Leasehold improvements				
	– buildings	387 873	-	387 873	387 873
	– Motor vehicles	279 397	137 466	141 931	100 886
	– Furniture and fittings	42 727	37 920	4 807	6 723
	– Office and computer equipment	108 028	78 855	29 173	38 580
	– Library	<u>362</u>	<u>73</u>	<u>289</u>	<u>326</u>
		<u>818 387</u>	<u>254 314</u>	<u>564 073</u>	<u>534 388</u>
4.	INCOME				
	Donations income				
	Miserior		292 480		94 931
	Evangelische Zentralstelle für Entwicklungshilfe e.V. (E.Z.E.)		277 508		308 000
	Namibian Association of Norway		-		<u>233 752</u>
	Interest received		3 782		42 988
	Profit on disposal of fixed assets		29 999		-
	Sundry income		<u>3 380</u>		<u>2 711</u>
			<u>607 149</u>		<u>682 382</u>

### 5. DEFICIT FOR THE YEAR Is stated after charging/(crediting):

Auditors' remuneration – for audit fees	<u>8 445</u>	<u>16 209</u>
Depreciation	<u>77 298</u>	<u>51 217</u>
Interest received	(3 782)	(42 988)
Interest paid	<u>3 425</u>	<u>2 036</u>
	<u>(357)</u>	<u>(40 952)</u>
Profit on disposal of fixed assets	<u>(29 999)</u>	<u>-</u>

### RUNDU ADVICE OFFICE – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997	1996
	<i>N\$</i>	<i>N\$</i>
INCOME		
Donations received		
– Miserior	292 480	94 931
Interest received	2 713	2 120
Profit on disposal of fixed assets	<u>29 999</u>	<u>-</u>
	<u>325 192</u>	<u>97 051</u>
EXPENDITURE		
Auditors' remuneration	3 000	2 000
Bank charges	2 353	1 861
Depreciation	31 935	5 496
Ex gratia payment - misappropriation	-	21 592
Insurance and licences	12 400	6 612
Interest paid	725	713
Maintenance		
– motor vehicles	19 645	16 861
Office expenses	2 207	1 857

## Financial Reports

Petrol	19 600	15 160
Rent	11 400	12 141
Salaries	137 576	124 919
Seminars and workshops	1 260	4 160
Staff training (including paralegal training)	984	3 827
Stationery	1 753	2 251
Telephone, telefax and postage	12 705	12 762
Travelling and accommodation	<u>3 383</u>	<u>1 321</u>
	<u>260 926</u>	<u>233 533</u>
SURPLUS/(DEFICIT) FOR THE YEAR	64 266	(136 482)
(DEFICIT)/SURPLUS AT THE BEGINNING OF THE YEAR	<u>(17 362)</u>	<u>119 120</u>
SURPLUS/(DEFICIT) AT THE END OF THE YEAR	<u>46 904</u>	<u>(17 362)</u>

### HUMAN RIGHTS CENTRE (ONGWEDIVA) – INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 1997

	1997 N\$	1996 N\$
<b>INCOME</b>		
Donations received:		
– Evangelische Zentralstelle für Entwicklungshilfe e.V. (E.Z.E.)	277 508	308 000
– Namibian Association of Norway	-	233 752
Interest received	1 069	40 868
Sundry income	<u>3 380</u>	<u>2 711</u>
	<u>281 957</u>	<u>585 331</u>
<b>EXPENDITURE</b>		
Auditors' remuneration	5 445	14 209
Bank charges	3 280	2 929
Depreciation	45 363	45 721
Education material	150	-

Electricity and water	7 923	10 160
Fuel	37 878	35 954
Human rights' day expenses	-	200
Insurance and licences	19 167	24 031
Interest paid	2 700	1 323
Legal fees	1 820	496
Office expenses	1 802	4 232
Repairs and maintenance		
– other assets	890	4 962
– motor vehicles	31 689	16 651
Recruiting expenses	1 320	2 440
Salaries, wages and staff benefits	216 991	252 273
Security services	21 600	10 400
Seminars and workshops	1 909	5 072
Stationery	6 323	4 940
Subsistence and travelling	4 064	1 600
Staff training (including the training of paralegals)	1 469	12 043
Telephone, telefax and postage	<u>17 915</u>	<u>25 749</u>
	<u>427 898</u>	<u>475 385</u>
(DEFICIT)/SURPLUS FUNDS FOR THE YEAR	(145 941)	109 946
SURPLUS FUNDS BROUGHT FORWARD	<u>150 711</u>	<u>40 765</u>
SURPLUS FUNDS CARRIED FORWARD	<u>4 770</u>	<u>150 711</u>